



**LAW**

OF A

**GENERAL NATURE**

PASSED AND PUBLISHED AT THE TWENTY-FIRST SESSION

OF THE

**GENERAL ASSEMBLY**

OF THE

**STATE OF INDIANA,**

HELD AT INDIANAPOLIS, ON THE FIRST MONDAY IN DECEMBER, ONE THOUSAND

EIGHT HUNDRED AND THIRTY-SIX.

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**BY AUTHORITY.**

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INDIANAPOLIS:

PRINTED BY DOUGLASS AND NOEL.

1837.

# LAW S

OF A

## GENERAL NATURE.

### CHAPTER I.

**AN ACT** to provide for distributing so much of the surplus revenue of the United States, as the state of Indiana may be entitled to and receive by virtue of an act of Congress, approved 23d June, 1836.

[APPROVED FEBRUARY 6, 1837.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the surplus revenue of the United States, deposited, or which may be deposited in the treasury of this state, by virtue of an act of Congress, approved 23d June, 1836, be and the same is hereby disposed of upon the conditions and restrictions hereinafter provided. And if the increase and additional services required from the treasurer of state by virtue of this act render the services of an additional clerk necessary, the treasurer aforesaid shall be allowed to hire one. And for the purpose of enabling said treasurer to employ and pay said clerk hire, he shall be allowed not exceeding five hundred dollars per annum, to be paid quarterly, as other claims are paid.

Treasurer allowed to hire a clerk.

**SEC. 2.** One half of said revenue shall be funded, as hereinafter provided, in the respective organized counties of the state, and such as may become organized during the present session of the General Assembly, each county being entitled to and receiving an amount proportionate to the number of its taxable polls, that did or shall pay tax for the year 1836;—*Provided, however,* that the counties with less than three hundred taxable polls, shall receive the same proportion of said revenue as if they had three hundred polls: *Provided, however,* that all counties containing more taxable polls than three hundred and less

Mode of funding the revenue.

than seven hundred, shall have added thereto seventy-five polls, but no such addition to any county containing a less number of polls than seven hundred shall increase the same to more than seven hundred.

Apportionment among the counties.

**SEC. 3.** The number of polls returned, or hereafter to be returned, to the office of the auditor of state, in the assessment of taxes made for the year 1836 or 1837, shall be taken as the number of polls, in each county, in said distribution of said surplus revenue, for five years; and at the end of said five years, the amount of taxable polls then returned as above, shall be the foundation of the apportionment of said surplus revenue as above; and at the end of five years thereafter, the same, so on, altering the proportion of said surplus revenue, which each county has a right to claim, every five years, according to the then return, of taxable polls: *Provided*, that nothing herein contained shall be so construed as to prevent any county from making a return of the number of its taxable polls, as is now by law provided, at any time previous to its drawing the amount herein provided for said county.

An Agent appointed in each county.

His duty.

To give bond.

Suit against agent for failure or neglect of duty.

**SEC. 4.** There shall be annually appointed, in each county, by the legislature, an agent, who shall enter into bond, with security, to be approved of by the board doing county business in said county, in the penal sum of at least double the amount which the county may be entitled to by the provisions of this act, conditioned for the faithful discharge of all the duties required of him by this act, or any act which may be amendatory hereto; and the bonds of the said agents shall be filed in the office of the clerk of said county, whose duty it shall be to record the same in some book kept by him for that purpose, a certificate of which filing and recording from under the hand and seal of office of said clerk, shall be filed with the treasurer of state, before the said agents shall receive the proportion of money to be refunded in the county in which said agents may respectively reside, and the same shall be carefully preserved by the said treasurer, in his office, nor shall any person hold said office unless he be a qualified voter in said state.

**SEC. 5.** The bonds of the said agents shall be made payable to the state of Indiana, and it is hereby made the duty of the treasurer, whenever hereafter any such agent shall fail or refuse to pay over any moneys in his hands, according to the provisions of this act, or shall otherwise fail to comply with any of its provisions, to commence suit against such agent, upon his aforesaid bond, in the name of the state of Indiana, and proceed to final judgment and execution thereon, and if any of said agents shall so fail or refuse, his agency shall from thenceforth expire, and a successor shall be forthwith appointed, as hereinafter pro-

ded, and said agent, so removed, shall when demanded, hand over to his said successor all moneys and papers in his hands, belonging to his said agency.

**SEC. 6.** Each of said agents, upon having entered into bond, as above required, and having taken an oath, before the clerk of the circuit court, to faithfully discharge all the duties required of him, by law, as agent aforesaid, may thereafter apply to and receive from the treasurer of state, (first producing to him, as aforesaid, a certificate from the clerk of his county, of his having entered into bond and taken the oath as above required), the full amount of said surplus revenue, that the county for which he is agent is entitled to by the provisions and conditions of this act.

Treas'r shall pay over the proper am't to agent.

**SEC. 7.** Upon the agent's receiving the money, to which under the provisions of this act, his county is entitled, he shall loan it out at *eight* per centum interest per annum, to the citizens residing in said county, and to none others, under the following restrictions and regulations: he shall, upon the reception of any such sums, and previously to his making any loan of any part thereof, advertise or publish, by written or printed notice, to be posted up at the place of general elections in each township in the county, that such funds have been received, and are ready to be loaned, specifying the day upon which he will commence loaning and giving at least ten days notice thereof.

Agent to loan the money.

**SEC. 8.** The agent, in loaning money under the provisions of this act, shall take bond with a mortgage upon real estate, which he must be fully satisfied is worth double the amount for which it is mortgaged, and that the title thereto is good, and can be evidenced by a title regularly and legally derived from the United States Government, or of the state of Indiana: *Provided*, That, in all cases, where the patent for any mortgaged premises shall have been lost, mislaid, or otherwise placed out of the reach of the mortgager, its absence may be supplied by the certificate of the register of the land office, in the district of lands in which said mortgaged premises may lie, that said patent or certificate of purchase, was issued from the United States: *Provided*, also, that the mortgager shall accompany his application for said fund, in every instance before any loan shall be made to him, with the certificate of the recorder of said county, that there is no mortgage on said premises recorded or filed in his office, and of the clerk of the circuit court of the county in which said mortgaged premises may lie, that there is no judgment of record in his office against said mortgager, or any transfer or lien whereby the validity of said title may be impaired upon said mortgaged premises: *Provided*, also, That where the title to any land proposed to be mortga-

Shall take bond and mortgage.

ged, shall be derived from any grant or donation other than from the United States, a regular chain of title to the confirmation of said grant by the United States, shall be sufficient: *Provided*, That if said mortgaged premises are held by certificate, the duplicate certificate of the receiver shall be retained with the mortgage by the agent, until the said mortgage shall be discharged.

**SEC. 9.** The agent in making the loan in the above section provided, upon mortgaged premises, shall estimate the value of the same, exclusive of any buildings thereon; or he may loan said fund, by taking bond with, at least, two sufficient personal securities, who are freeholders within the county, and which he shall believe of undoubted responsibility, and in each case the interest must be paid in advance.

**SEC. 10.** Said fund may be loaned upon mortgaged premises aforesaid, for any term of time not exceeding three years: *Provided*, That if the same is loaned for any term of time more than one year, one third of the principal of said loan shall be paid at the expiration of each year, after the date of said mortgage, with the interest of each year paid annually in advance, as above provided, which one third shall be again loaned by said agent, persons not having previously borrowed being entitled to preference.

**SEC. 11.** Where said fund is loaned upon personal security, as aforesaid, it shall be loaned for the term of one year, and the borrower thereof, at the expiration of said year, shall, upon the payment of one third of the principal and the interest upon the remaining two-thirds, be permitted to retain said two-thirds for the term of one year longer, and so on, annually, until said fund is all paid by said borrower, the said agent in each instance requiring the interest annually in advance—he shall also take bond, payable twelve months after date, with the following conditions, to-wit: that if the agent, at any time, shall desire and demand other additional security, in any such bond, it shall be forthwith given; and upon failure, neglect or refusal upon the part of the obligor in such bond, to give such additional security, after ten day's notice, given in writing by said agent, the said bond shall be considered from thence forth as due, and the agent shall immediately proceed to collect the same, as herein provided.

**SEC. 12.** In addition to the eight per centum per annum interest, which the borrower is herein bound to pay in advance, upon the sum borrowed, he or they shall likewise pay to the agent, one per cent. upon said borrowed money, and said one per cent. upon all the sums loaned by the agent, under the provisions of this act, shall alone con-

May loan up  
on personal  
security.

Term of loan  
when made  
on mortgage.

When loaned  
on personal  
security.

Agents fee,  
by whom paid

stitute the compensation to such agent for all his responsibility, and for all the services by this act required of him.

**SEC. 13.** The agent shall not loan more than four hundred dollars to any one individual, and the entire amount of interest received by him under the provisions of this act, it shall be his duty to pay over to the school commissioner of the county, so soon as it is received, to be directed, and set apart semi-annually on the first Monday of March and September to the several townships according to the number of taxable polls in each, to be paid over to the several township treasurers or their order at any time after such dividend: *Provided*, That in case there should be any township in any county that is unorganized, the school commissioner shall loan any portion of money set apart to such township or townships as other school funds for the use of such township. *And provided, also*, That the said commissioners shall make a distribution of said interest among said townships, so soon as it is received by him.

**SEC. 14.** All the interest accruing to the state from the said one-half of the said surplus fund, thus distributed amongst the several counties of the state, shall be, and it is hereby appropriated for the term of five years.

**SEC. 15.** It shall be the duty of the agent in each county, to have all mortgages recorded in the recorder's office of the county for which he is agent; for the recording of which, the said recorder shall be entitled to receive twenty-five cents, which the borrower shall pay, together with all other reasonable charges and expenses, for the investigation of his right and title to the premises proposed to be mortgaged, and all costs necessarily accruing or incidental to his borrowing money under the provisions of this act.

**SEC. 16.** Whenever payment is not made to the agent on his demand, or otherwise by virtue of any of the provisions of this act, a foreclosure of the mortgage by suit, may be made, and the mortgaged premises sold, as provided by law, in cases of mortgages to individuals.

**SEC. 17.** The treasurer of state, upon receiving said surplus revenue, or any part thereof, shall forthwith advertise the same in two of the newspapers published at the seat of government and of general circulation throughout the state, three weeks successively, stating in such advertisement what amount each county shall receive; and if any county, through its agent, fails or neglects to make legal application, for its portion of said surplus revenue, allotted to it by the provisions of this bill, within ninety days after said notice shall have been given, as above provided for, then the said treasurer shall loan it out as at present he is authorized to loan the college fund, and the interest accruing thereon, shall be distributed, according to the pro-

Shall not loan  
more than  
\$400 to one  
person.

Shall pay in-  
terest over to  
school com'r.

Shall dis-  
tribute among  
the townships.

Interest ap-  
propriated for  
5 years.

Mortgages to  
be recorded.

Mortgage  
foreclosed.

Treasurer  
shall give no-  
tice.

Agent failing  
to apply, trea-  
surer to loan  
out, &c.

visions of this act, among the townships of said county for the purpose of common schools: *Provided*, that the counties to be organized under any act of the present session of the General Assembly, shall not forfeit their proportion of said surplus revenue as above, if their agent draws for the same, at any time before the first of July next.

**SEC. 18.** If any person appointed under the provisions of this act, should fail, neglect, or refuse to serve as agent aforesaid, or if after receiving said appointment, as agent, shall resign, die or remove from the county for which he is appointed, then and in that case, it shall be and it is hereby made the duty of the board doing county business in said county to appoint some suitable person, who shall qualify himself, in all respects, in the same manner as is prescribed in the foregoing sections of this act: *Provided*, that the said agent shall inform the clerk of the circuit court of the county in which he resides, of his intention to fail, neglect or refuse to serve or to resign or remove as aforesaid, whose duty it shall be to forthwith notify the board doing county business thereof: *Provided, also*, that to carry into effect any of the provisions of this act, it shall and is hereby made lawful for the board doing county business in any of the counties of this state, to meet at such time as is necessary, which meeting and the proceedings thereof, shall be entered of record on the books of said board.

**SEC. 19.** The agent so appointed, as is above provided in the 18th section of this act, by the board doing county business, shall serve as such, until his successor shall be chosen, and qualified by the General Assembly at its session immediately thereafter.

**SEC. 20.** The mortgage to be taken in security by the agent, shall be in the following form, to-wit:

Know all men by these presents, that I, A. B., of the county of      in the State of Indiana, for and in consideration of the sum of      dollars of the surplus revenue of the United States, deposited with the State of Indiana, to me in hand paid by C. D., agent of said State of Indiana, for loaning that part of said revenue to which said county is entitled, by virtue of an act of the General Assembly, approved February 1837, have granted, bargained and sold, and do, by these presents, grant, bargain, sell, and confirm unto the said State of Indiana, all that tract or parcel of land, situate in said county of      and known and designated as (here describe the premises particularly:)

To have and to hold the said premises, so bargained and sold as aforesaid, to the use and behoof of the said State of Indiana, forever. And I, the said A. B. do hereby covenant to and with the said State of Indiana, that I am lawfully seized in fee of the aforesaid premises, and have good

Agent failing  
to accept  
commissioner  
to appoint.

right and authority to sell and convey the same as aforesaid, and that I will forever warrant and defend the same, to the said State of Indiana, from the claim or claims of all persons whomsoever.

Conditioned, nevertheless, that if I, the said A. B. shall well and truly pay or cause to be paid to the said State of Indiana, the sum of      dollars, according to the conditions, true intent and meaning of a bond, by me executed to the said State of Indiana, bearing even date herewith, for the aforesaid sum of      dollars, then this mortgage to be discharged, otherwise to be and remain in full force.

In witness whereof we the said A. B. and E. F. wife of said A. B., who hereby relinquishes her right of dower to the above mentioned premises, hereunto set our hands and seals this      day of      in the year of our Lord, one thousand eight hundred and thirty .

[ L. S. ]  
[ L. S. ]

Which aforesaid mortgage shall be acknowledged by said mortgager and wife of said mortgager, in such manner as is now provided by law for the acknowledgement of deeds of absolute conveyance, and shall be valid to all intents and purposes; and if said acknowledgment shall be taken before the recorder of the county, he shall not be entitled to receive any fee therefor other than the twenty-five cents herein allowed for recording the same.

Mortgage to  
be acknowledg-

**SEC. 21.** In addition to the mortgage deed aforesaid, the mortgager shall execute, to said agent, a bond, in the following form, to-wit:

Know all men by these presents, that I, A. B., of the county of      and State of Indiana, have this day borrowed      dollars of the State of Indiana, by C. D. her agent for the county of      aforesaid, to loan out that part of the surplus revenue of the United States which is allotted to said county, by an act of the General Assembly of said state, approved February 1837. This is therefore my obligation to pay to the said State of Indiana the said sum of      dollars, in three equal annual payments, with the interest in advance for the remaining payments, at the expiration of each year, at eight per centum, per annum: As witness my hand and seal the      day of      183 .

Form of bond.

[SEAL.]

Which form shall be observed by the agent, in taking bonds for the payment of all said loans.

**SEC. 22.** All judgments rendered in any court having competent jurisdiction, upon any notes with personal security, as above provided, shall draw interest, at the rate of eight per centum per annum.

Judgments to  
draw interest.

Applicant  
shall file affi-  
davit.

**SEC. 23.** The individual applying for a loan upon mortgage, shall, in addition to the previous requisitions of this act, file an affidavit with the agent, who is hereby authorized to administer an oath to such affiant, that there is no incumbrance of any kind, and no superior claim to his own in law or equity, to the mortgaged premises aforesaid—and any person swearing falsely, in such affidavit, shall be subject to all the pains and penalties provided by law for wilful and corrupt perjury.

**SEC. 24.** It shall be the duty of the agent in each county, as well as the school commissioner, to report to the treasurer of state, quarterly, and it is hereby made the duty of said treasurer to report the same to the General Assembly annually; and if it shall appear by the report of the commissioner aforesaid, that the agent has not paid over any interest in his hands, according to the provisions of this act, then it shall be the duty of the treasurer aforesaid, to commence suit upon the bond of said agent, as provided in this act. The said agent shall also, keep a careful register of the names, date and amount of all such mortgages taken by him, which he shall enter in tabular form, in a book kept by him for that purpose, in which he shall also enter, in appropriate columns, according to the form which may be furnished him by the treasurer aforesaid, the interest paid for each year, on the proper loan, and the amount refunded, and it is hereby made the duty of said treasurer, on the receipt of the reports from the said agent, to cause proper entries to be made in his office, of such loans, interests, loans refunded, &c., and also, to furnish the said agent with forms of such entries as are hereby required of him to be made.

**SEC. 25.** The persons herein named are hereby appointed agents in their respective counties, to carry into effect the foregoing provisions of this act:

Agents in  
each county.

*In the county of Wayne*—Jehial R. Lampson.  
 “ “ Dearborn—William Perry.  
 “ “ Washington—Elijah Newland.  
 “ “ Orange—Alexander Morris.  
 “ “ Lawrence—Alexander H. Dunnihue.  
 “ “ Jefferson—Robert Irwin.  
 “ “ Rush—George B. Tingley.  
 “ “ Harrison—Arthur Vance, jr.  
 “ “ Putnam—John Thornburgh.  
 “ “ Fountain—Franklin Merrill.  
 “ “ Tippecanoe—William M. Jenners.  
 “ “ Franklin—William McClary.  
 “ “ Fayette—John Willey.  
 “ “ Union—James Perry.  
 “ “ Clark—John Douthitt.

*In the county of Posey*—Jeremiah Cash.

“ “ Gibson—John Hargrove.  
 “ “ Crawford—Joseph N. Phelps.  
 “ “ Greene—John Jones jr.  
 “ “ Owen—Isaac Westfall.  
 “ “ Monroe—Samuel Patten.  
 “ “ Sullivan—Thomas Terman.  
 “ “ Warren—E. F. Lucas.  
 “ “ Switzerland—John Francis Dufour.  
 “ “ Ripley—William T. S. Cornett.  
 “ “ Jennings—Alanson Andrews.  
 “ “ Scott—Samuel Rankin.  
 “ “ Floyd—Robert Downey.  
 “ “ Cloy—John Osburn.  
 “ “ Johnson—Fabius M. Finch.  
 “ “ Morgan—William H. Craig.  
 “ “ Hendricks—William L. Matlock.  
 “ “ Shelby—Royal Mayhew.  
 “ “ Decatur—A. R. Forsyth.  
 “ “ Henry—Jonathan Macey.  
 “ “ Marion—John Elder.  
 “ “ Randolph—William M. Way.  
 “ “ Delaware—David Kilgore.  
 “ “ Grant—Murray C. Woodworth.  
 “ “ Bartholomew—Joshua Sims.  
 “ “ Vigo—William McFaddin.  
 “ “ Jackson—Media W. Shields.  
 “ “ Vanderburgh—Horace Dunham.  
 “ “ Warrick—Alpha Frisby.  
 “ “ Perry—William Hyde.  
 “ “ Spencer—James Jones.  
 “ “ Pike—Fielding Johnson.  
 “ “ Dubois—A. D. McPhailis.  
 “ “ Knox—Benjamin V. Beckes.  
 “ “ Daviess—William C. Berry.  
 “ “ Martin—Lewis R. Rogers.  
 “ “ Montgomery—William S. Galey.  
 “ “ Clinton—John Dunn.  
 “ “ Carroll—Samuel Grimes.  
 “ “ Cass—Gillis McBean.  
 “ “ White—William McKenton.  
 “ “ Miami—Albert Cole.  
 “ “ Hamilton—Hayman W. Clark.  
 “ “ Boone—Jonathan H. Rose.  
 “ “ Madison—Willis G. Atherton.  
 “ “ Hancock—Jonathan Dunbar.  
 “ “ Allen—Joseph Morgan.  
 “ “ Huntington—George A. Fate.  
 “ “ Elkhart—John W. Violette.

*In the county of Lagrange—Edmund Littlefield.*

- " " St. Joseph—Edmund P. Taylor.
- " " Laporte—John Brown.
- " " Vermillion—John Gardner.
- " " Parke—John P. Sunderland.
- " " Fulton—Alexander Chamberlin.
- " " DeKalb—Westley Parke.
- " " Steuben—Doctor Pierce.
- " " Porter—Seneca Ball.
- " " Kosciusko—James Blane.
- " " Wabash—Jonathan R. Cox.
- " " Wells, to be appointed by the board doing county business in said county.
- " " Adams—John R. Evans.
- " " Jay—Henry H. Cuppy.
- " " Noble—Thomas Smith.
- " " Marshall—Niles Gregory.
- " " Brown—William Faggut.
- " " Lake—Nathan Davis.

Lien not to be discharged by lands forfeited for non-payment of tax.

**SEC. 26.** Whenever hereafter the tax shall not be paid on any lands mortgaged under this act, or any lands mortgaged to the state of Indiana for loans of the sinking fund, or loans to pay the second and third instalments of bank stock, or for loans of the college fund, or for loans made of any other funds in the hands of the treasurer of state, and such land shall be returned as delinquent to the office of school commissioner, and shall be forfeited for the non-payment of said tax, the lien of such mortgage shall not be discharged by any such non-payment, forfeiture or any sale by such school commissioner, but the same shall be sold subject to such mortgage.

**SEC. 27.** The first section of an act entitled “an act supplemental to an act entitled an act to authorize the loaning of the Seminary funds,” approved January 24th, 1828, be and the same is hereby repealed.

**SEC. 28.** That of the remaining half of said surplus revenue, the sum of two hundred and eighty thousand dollars, or such sum as shall remain after the appropriation of the same to the state capitol as below provided, shall be subscribed and paid over as stock, on the part of the state, in the branches of the State Bank, under the direction of the state board, in such branches, and such amounts of stock, as to them shall seem best, having in view the safety of the institution and the profitable investment of the said stock: *Provided*, That not more than fifty thousand dollars shall be subscribed in any one branch, and the same to be a permanent addition of state capital in such branch assessed in shares so as to be equal to the other shares of state stock

Remaining to be subscribed as stock o state bank.

in said branch according to the 34th section of this act: *Provided*, further, that the provisions of the 30th section of this act shall be carried into effect, so far as depends on the board of directors of the state bank before the subscription of stock as provided in this section.

**SEC. 29.** The first instalment of fifty thousand dollars, for the twelfth branch shall be subscribed and paid out of said fund as the state stock in the same, as soon as such paid. First instalment, how branch is organized according to the provisions of the charter, and the third instalment in the eleventh branch shall be also paid out of the said fund.

**SEC. 30.** It shall be the duty of the president and directors of the state bank to locate not less than three, nor more than four additional branches, at their discretion, at such time and place as they may think the public interest requires, and the payments of stock on the part of individuals shall be in such instalments as said directors shall require, and as soon as instalments are paid by individuals, an equal amount shall be paid by said directors on the part of the state, but no branch shall go into operation until the sum of eighty thousand dollars is actually paid in; and the capital in each such branch shall be eventually made to be equal to the original capital in each branch, one hundred and sixty thousand dollars—being equally owned by the state and individuals. And the additional branches authorized by this act, to be located, shall be subject to all the provisions of the act entitled an act establishing a state bank, approved January 28, 1834, except as is otherwise provided in this act with regard to the location of said branches, their subscription and payment of stock, organization and appropriations of profits, whether on the stock of new branches or increase of capital.

**SEC. 31.** So much of the third and fourth instalments of the said surplus fund, (the first and second instalments being hereby set apart for distribution, as aforesaid, in the counties of the state) as shall be required, for the purposes in the said 28th and the remaining sections provided, shall be paid over by the treasurer of state to the order of the president and directors of the state bank.

**SEC. 32.** The dividends on said stock shall, as soon as declared, be reported and paid over to the fund commissioners or other person authorized by law to receive the same, and shall be by them applied to the payment of the interest on the state bonds for the purposes of internal improvement.

**SEC. 33.** Before the 28th section of this act shall take effect and be in force, the consent of the state bank and branches thereto, shall be given according to the provisions of the 108th section of the charter of said state bank,

Additional branches to be located.

Treasurer to pay over to bank.

Dividend on stock to be paid over to fund com'r.

Consent of state b'k and branches to be obtained.

evidence of which shall be filed in the office of the secretary of state and a record thereof made in said office.

*Surplus on hand at the time of increasing the stock, how disposed of.*

SEC. 34. That the surplus which may be in any branch bank, at the time of increasing the capital thereof, agreeably to the provisions of this act, shall be set apart for distribution among the stockholders, entitled to the same; at the time of such increase aforesaid, to be distributed, at such time and in such manner as the state directors shall direct, and all stock taken in the organized branches shall be on an equality, with individual stock in such branch: *Provided*, That the state directors shall have the power to make contribution from the new stock (taken in the existing branches under the provisions of this act), to the surplus fund belonging to the original stock at the time of the increase of the capital as aforesaid, so as to equalize the same; and in case such contribution shall be made as herein directed, then and in that case, such distribution of the surplus as above directed shall not be made by the state directors as above directed.

*On failure of branches to receive the amount due them to be paid over to sinking fund.*

SEC. 35. If the said portion of said revenue by this act provided be placed in said branch banks, shall not be received by said branches, it shall be the duty of the treasurer of state to pay the same over to commissioners of the sinking fund, whose duty it shall be to loan the same, under the same restrictions and regulations, and in the same manner as is now provided by law for loaning the sinking funds, the interest of which shall be subject to the order of the fund commissioners, or other persons authorized by law to receive the same, to be by them applied as is provided in the 32d section of this act; and it is also hereby made the duty of the said board of commissioners to report the same in the same manner as is provided in the 32d section aforesaid.

*Fund com'rs to loan the same.*

SEC. 36. While any part of said half-equal portion of such surplus revenue appropriated to state investment in bank capital shall remain unapplied, the same shall be loaned out by the commissioners of the sinking fund as above provided, except that the length of time of such loan shall be made to conform with the prospective demand for said fund to the purposes of state capital above contemplated; the interest of which temporary [loan] to be applied as provided the 32d section of this act; which unappropriated balance shall be paid over by the treasurer of state to the commissioners of the sinking fund.

This act to take effect and be in force, except as provided herein, from and after its passage.

## CHAPTER II.

AN ACT Incorporating Congressional Townships, and providing for Public Schools therein.

[APPROVED, FEBRUARY 6, 1837.]

*Corporation created.*

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the white inhabitants of each congressional township in this state be, and they are hereby constituted a body politic and corporate, by the name and style of "The inhabitants of congressional township No. — North or South (as the case may be,) in county or counties" (as the case may be.) And in such corporate capacity they may sue and be sued, plead and be impleaded.

*Process.*

SEC. 2. The process against such incorporation shall be by summons, which being executed on any trustee or clerk thereof, hereinafter mentioned, the further proceedings shall be the same as against natural persons.

*Trustees may procure a seal*

SEC. 3. The trustees may devise and procure a corporate seal for their congressional township, which may be altered or renewed at pleasure, until which time any of their acts or proceedings requiring it, shall be authenticated by the scroll or ink seal of their clerk, which shall have the effect of such corporate seal.

*School com'r to appoint trustees.*

SEC. 4. It shall be the duty of the school commissioner, to appoint trustees in all congressional townships that have no school land, and in townships in which the school land will not sell for the minimum price prescribed by law; which trustees shall appoint one of their body treasurer.

*Treasurer shall appoint treasurer.*

SEC. 5. Such treasurer so appointed, shall take an enumeration of the children, and receive certificates of teaching, draw money from the school commissioner, and disburse the same, and do all other acts that other township treasurers may do and perform.

## CHAPTER II. School Commissioner.

*Com'r elected for what time.*

SEC. 1. In each county in which there shall be a vacancy, at each general election there shall be elected one and for what school commissioner, who shall hold his office for three years and until his successor is elected and qualified.

*Vacancies how filled.*

SEC. 2. All vacancies in such office that may occur between the days of general election, shall be filled by appointment by the board doing county business.

*Bond & oath of com'r.*

SEC. 3. Every such commissioner, whether appointed or elected, shall, before entering on the duties of his office, take an oath and give bond payable to the state of Indiana,

diana, for the use of the congressional townships within his jurisdiction, in the penalty of ten thousand dollars, with at least six freehold securities, to be approved by the board doing county business of his county, conditioned for the faithful discharge of the duties of his office, and for delivering over to his successor all moneys, papers, and books that may come to his hands as such commissioner.

His office,  
where held.

SEC. 4. It shall be his duty to hold his office at least one day in each month, at the county-seat, which days shall be so distributed as to include one day of each circuit court, said commissioner giving notice of such days together with the place of his office, in some public newspaper printed in the county; and if no paper be printed in the county, then by three written advertisements put up in each township.

SEC. 5. At all other times he shall keep his office either at the county-seat or at his dwelling house in the county.

SEC. 6. He may transact his business by deputy, to be appointed and removed at pleasure, he and his securities being responsible for the acts of said deputy.

May transact  
business by  
deputy.

com'r may be  
removed, for  
what cause.

SEC. 7. Such commissioner may be removed from office by the board doing county business of his county, upon failure to give such additional security as such board may at any time require, or upon conviction by indictment for any malconduct in office, or on account of incapacity to discharge its duties, but such commissioner shall have ten days notice, and an opportunity to be heard by counsel and witnesses in defence of any accusation.

SEC. 8. Whenever any township shall have lands belonging thereto for the use of schools, and not situate therein, the school commissioner of the county in which such township lies, shall have jurisdiction oversaid land; or if the township lies in two counties, the school commissioner chosen by the trustees shall have jurisdiction oversaid land.

Jurisdiction  
where school  
lands lie in  
different  
townships.

Trustees shall  
decide to  
which it be-  
longs.

Com'r shall  
have the same  
power as if the  
land was in  
co. where he  
was elected.

SEC. 9. Where any congressional township owning school lands, or where the sixteenth section or fractional part thereof belonging to any congressional township lies in two or more counties, the trustees of such township shall decide which school commissioner of such counties shall have jurisdiction over the school lands thereto belonging.

SEC. 10. The jurisdiction herein given to the school commissioner over the school lands not situate in his county, shall give him and the trustees and inhabitants of the congressional township to which the same belongs, the same power and authority over such lands, and subject him and them to the same duties, and such lands to the pro-

visions of the law as though the school lands were situate in such township or county.

SEC. 11. Such commissioner shall keep a separate account of the funds belonging to each congressional township within his jurisdiction, and of his transactions in relation to the same: and in keeping said account he shall distinguish such sums as are received as principal and such as interest.

Com. to keep  
separate ac-  
counts.

SEC. 12. The school commissioner shall make a calculation of the interest in his hands which shall have accrued on the school moneys as well as all other moneys liable to be drawn for school purposes, in his care, on the first Mondays of March and September of every year, which he shall thereafter pay over when applied for as herein directed.

Com'r shall  
calculate in-  
terest and pay  
the same over

SEC. 13. It shall be the duty of the several school commissioners, each year, on the first day of the May term of the board doing county business, to make a detailed report to the board of all moneys that he has received and disbursed, and for what objects received, and to whom paid over, which report shall be recorded in the records of the board.

Com. to make  
report.

SEC. 14. It shall be the duty of the school commissioner to purchase a sufficient number of bound blank books to furnish the proper officers of each township; in which a fair record of all proceedings shall be kept.

Com'r to pur-  
chase blank  
books.

SEC. 15. The books, papers, and accounts of any school commissioner shall be subject to the inspection of the board doing county business of such commissioner's county, three days' notice thereof being given by process issued by the clerk of such board, on the petition of five freeholders or householders of the county.

Books to be  
examined by  
board doing  
county busi-  
ness.

SEC. 16. No person holding any other office of trust or profit, shall be eligible to the office of school commissioner.

Who shall be  
eligible for  
school com-  
missioner.

### CHAPTER III. *Election and appointment of Township Trustees and their duties.*

SEC. 1. There shall be an election on the first Saturday of every August, as near the centre of each congressional township as is convenient.

Election for  
trust's, when  
held.

SEC. 2. The school commissioner for the first such election, and the township trustees for each subsequent election, how one, shall cause written notices to be posted up in three of the most public places in the township at least twenty days previous to the same, specifying the object and place thereof.

Notice of e-  
lection to be  
given.

SEC. 3. Such commissioner or trustees shall, at the same time, appoint an inspector of such election, enter the Inspector of  
election ap-  
pointed.

same of record, and in due time forward to him a certified copy of such appointment.

**SEC. 4.** On failure of the appointment of such inspector or of his attendance as soon as two o'clock, P. M., on the day of such election, or of his being qualified and acting as such, then a majority of the voters present shall appoint an inspector in his place.

Mode of conduct'n elec'n.

**SEC. 5.** The time and manner of opening, conducting and closing said election, the mode of appointing the judges and clerks thereof, and the several liabilities appertaining to them and to the voters separately and collectively, shall be the same as are prescribed in an act entitled "An act to regulate general elections," approved January, 1831, subject to the provisions of this act, so far as the same are applicable, but no election shall be considered illegal that is opened as soon as two o'clock, P. M. of the day, in consequence of not being opened sooner.

Qualification of trustee.

**SEC. 6.** No person shall hold the office of township trustee unless he be a resident householder or a resident freeholder of the township, a citizen of the United States, and shall also have been a resident of the state for the space of one year next preceding the election.

Term of service of trustees.

**SEC. 7.** At the first election held in each township there shall be three trustees elected. The person having the highest number of votes shall serve three years, the person having the next highest number shall serve two years, and the person having the next highest shall serve one year as such trustee respectively.

Mode of determining when 2 persons receive the same No. of votes.

**SEC. 8.** If the highest or second highest number of votes be given to two or more persons, their term of service shall be determined by lot on the day of such election, by the judges and clerks thereof.

Shall determine by lot.

**SEC. 9.** If the highest and next highest number of votes be given each to two or more persons, then the term of service of the highest in number and the election of the next highest in number shall be determined by lot as aforesaid.

Judges and clerks shall certify, &c.

**SEC. 10.** If the third highest number of votes be given to two or more persons, then the election shall be determined by lot as aforesaid.

**SEC. 11.** The judges and clerks of such election shall, within seven days thereafter, certify to the school commissioner under their hands, the number of votes given at such election for each person as trustee, together with the determination by lot as aforesaid (if made), and also deliver to him the list of voters and the tally papers.

Com'r shall give certific't to person elected.

**SEC. 12.** Such commissioner shall enter every such certificate in his record book, and shall thereupon give a certificate of election to each person entitled to receive the same, specifying the term of service of each holder thereof.

**SEC. 13.** There shall be annually elected in each township one trustee, to serve three years, and also one or more trustees to fill all vacancies that may have occurred.

One trustee elected annually.

**SEC. 14.** The school commissioner shall fill all vacancies in the office of township trustee that may occur between the annual elections, by appointing persons of like qualifications, which appointment shall, by the commissioner, be entered of record and a certified copy of it given to the person so appointed.

Com'r shall fill vacancies.

**SEC. 15.** The school commissioner on the request of any three persons of his county, shall appoint three trustees for any township which may never have elected trustees, to serve until the last Saturday in August then next ensuing.

Comm'r shall appoint trustees.

**SEC. 16.** Should there be no commissioner, then the board doing county business shall make such appointment.

Board of com. shall appoint com.

**SEC. 17.** When any of the township trustees shall fail or neglect to act or discharge any of the duties of their office as such, the school commissioner or officer acting as such, may remove such delinquent trustee, and fill such vacancy by appointment of some other suitable person who shall act until his successor shall be qualified according to the provisions of this act.

Com. shall appoint when trustees fail to serve.

**SEC. 18.** Should the township be situate in two or more counties, the board of either may make such appointment, the first appointment having the preference.

**SEC. 19.** The trustees in the last three sections mentioned shall be removable, and their vacancies filled at pleasure by the power which appointed them.

Trustees removable.

**SEC. 20.** Each township trustee shall, before entering upon the duties of his office, take an oath that he will faithfully discharge the duties of his said office, to be administered by the school commissioner or some justice of the peace.

Trustee shall take oath.

**SEC. 21.** Each trustee shall serve for the time for which he was elected or appointed, and until his successor shall be qualified.

Term of service.

**SEC. 22.** Said trustees shall annually appoint one of their number as clerk, who shall ex-officio act as president of their board, and any vacancy in his office shall be filled by said trustees from their body.

Cpk. appoint ed.

**SEC. 23.** Said clerk shall, at the instance of either of his co-trustees, or as often as in his opinion their duties may require, convene such board, after notice to them first given, at such time and place as is convenient, and shall sign their recorded proceedings at each meeting and keep a fair and true copy of the same.

Cpk. convene the board.

**Shall divide the township.** SEC. 24. They shall without delay divide their township into school districts, each of such size and limits as will be most convenient for the use of all its inhabitants.

**May subdivide.**

SEC. 25. They may on the petition of a majority of the voters of any district, subdivide or change the size or limits of the same as convenience may require. And the trustees of any two or more adjacent townships may if convenience shall require it, form a district out of parts of each of such townships. And the treasurer of such district shall draw from the township treasury of each township of which the district is formed a due proportion according to the number of children resident in each part of said district in conformity to this act. And the trustees of each township out of which a district is so formed shall describe and record the part of their township making part of a district in the books of their township clerk.

**Districts to be recorded.**

SEC. 26. An accurate description of each school district regularly numbered shall be recorded by the clerk of the trustees in his book.

**Books subject to inspection.**

SEC. 27. The books, papers, and accounts of any township trustee, or board of trustees, shall be subject to the inspection of the board doing county business in the county in which the commissioner having jurisdiction over the township resides, three days' notice thereof having been given by process issued by the clerk of said board, on the petition of five freeholders or householders of the township.

**Township treasurer.**

SEC. 1. The township trustees shall annually appoint one of their body as treasurer of their township, in whose hands shall be placed from time to time, all rents, issues, profits, interests, debts, and damages belonging to such township, except as is otherwise herein provided.

SEC. 2. Any vacancy occurring in the office of treasurer shall be filled by the trustees from their body.

SEC. 3. Every treasurer before entering into the duties of his office shall give bond payable to the state of Indiana, with freehold securities to the acceptance of the commissioner, in such penalty as he may require, conditioned for the faithful discharge of the duties of his office, and for the delivery to his successor of all moneys, papers, books, and property in his hands as such treasurer.

SEC. 4. Such treasurer shall be liable to removal from office by the commissioner upon failing to give such reasonable security as he may from time to time require, or upon conviction by indictment for malconduct in office.

SEC. 5. Each township treasurer shall annually, on the first day of the May term of the board doing county busi-

**Shall give bond.**

**May be removed.**

**Shall report.**

ness, report to the board the amount of school funds and school property under his care, with a statement of the notes, accounts, debts and credits of such township, the name of each lessee of land belonging to the inhabitants of said township; the amounts of rent when, and in what payable, the current expenditures of said township, and the funds of said township in the hand of the school commissioner of the county, the amount of interest received from the commissioner, and the amount received by virtue of "an act to provide a fund to encourage common schools," and an act in furtherance of said act, and a statement of the amount by him paid over, and to whom.

SEC. 6. Each township treasurer failing to perform the duties and requisitions contained in the last preceding section, shall, on conviction thereof by indictment, be fined in any sum not exceeding one hundred dollars, and shall moreover be liable on his bond or otherwise to the inhabitants of his school township for all damages occasioned by such failure.

**Punishment for neglect of duty.**

SEC. 7. It shall be the duty of the township treasurer each year, to make a dividend and distribution of the school funds in his hands, on the second Mondays of March and September, which dividend shall be made to each school district in due proportion to the number of persons in each between five and twenty-one years of age: *Provided, however,* that any organized district having twenty persons therein, between five and twenty-one years of age, and failing to keep a school therein for at least three months of any year, counting from the second Monday of March to the second Monday of March following, such district shall have the amount drawn for such year, deducted from the next dividends to which it would be entitled.

**Treasurer shall make dividend.**

SEC. 8. The books, papers, and accounts of any township treasurer, shall be subject to the inspection of the board doing county business of the county in which the commissioner having jurisdiction over the township in which he resides, three days notice thereof being given, by process issued by the clerk of said board, on the petition of five freeholders or householders of the township.

**Treasurer's books subject to inspection.**

#### CHAPTER V. *Election, appointment, and duty of District Trustees.*

SEC. 1. The qualified voters of each district, shall, on the first Saturday of October, annually elect three district trustees.

SEC. 2. Ten days previous to the first election in any district, the township trustees shall post up at some public place in the district, written notice of the election: And

**Notice of election.**

the district trustees shall post up like notice for each subsequent election.

**SEC. 3.** The voters at such election shall appoint their own inspector.

**SEC. 4.** The election for district trustees shall be subject to the same provisions to which an election for the township trustees is subject—except that the result of the election shall be certified to the township trustees.

Shall certify  
to clerk of  
trustees.

**SEC. 5.** The judges and clerks shall, within seven days certify to the clerk of the township trustees, the number of votes given for each person, together also, with the determination by lot if any, and also deliver to him a list of the votes and the tally papers.

**SEC. 6.** Said township clerk shall enter every such certificate in his record book, and shall thereupon give certificate of election to each person entitled to receive the same.

Term of ser-  
vice.

**SEC. 7.** Each district trustee shall serve for one year and until his successor is qualified, and shall take an oath of office, which may be administered by the clerk of the trustees.

Qualification.

**SEC. 8.** No person shall be elected or appointed a district trustee unless he be a citizen of the United States, reside in the district, and shall have resided in the state one year next preceding his election.

Vacancies  
how filled.

**SEC. 9.** Vacancies in the office of district trustees shall be filled by the clerks of the township trustees, and trustees so appointed, shall serve until the next election.

Clerk appoint-  
ed.

**SEC. 10.** They shall appoint one of their body as clerk, who shall keep a record of their proceedings.

Shall call dis-  
trict meeting.

**SEC. 11.** They shall, when requested by five voters of the district, call a meeting of the voters as near the centre of the district as is convenient, of which ten days previous notice in writing shall be posted up in some public place in the district unless in case of emergency, when personal notice shall be given to each voter. They may also in their own discretion call meetings giving like notice.

Clerk shall  
preside.

**SEC. 12.** The district clerk, or in his absence one of his fellow district trustees shall preside at such meeting, and take the vote *viva voce* by ayes and noes, or by count on such questions as any voter may propose, touching the building, or adopting a school house, procuring a site therefor, the materials, dimensions, and workmanship of such house, its location, the support of a public school for a term not less than three months in each year, the employment of a teacher, and other things pertinent to the objects and welfare of a common school.

School house  
how built.

**SEC. 13.** If a majority present are in favor of supporting a school, or of building or adopting a school house,

the district clerk shall copy their decision on those points from the proceedings by him entered in his book, and deliver the same to the township clerk who shall enter the same of record.

**SEC. 14.** The district trustees shall make the contracts and give such personal attendance as may be necessary to carry into effect the vote of such meeting.

**SEC. 15.** The district trustees shall keep a list entered of record of the names of all the inhabitants of the district, entitled to vote at the meetings thereof, with the quantity of land held by each, with the number of children in each family between five and twenty-one years of age; which lists shall be corrected from time to time and a copy thereof sent to the township treasurer prior to the second Monday in March annually: *Provided*, that it shall not be lawful, in making such enumeration, to take any account of the children or lands of such as will not participate in the school funds according to law; upon which list the township treasurer shall make the dividends provided for in the seventh section of the fourth chapter of this act.

**SEC. 16.** The township clerk shall give a certified copy of the names of the voters on such list, to any person asking the same, on the tender to him of twelve and a half cents.

**SEC. 17.** No person shall give a vote at a district or township meeting unless he possess the qualifications of a voter at the general elections.

**SEC. 18.** Any five voters who are householders or freeholders may call a meeting by posting up, ten days previous thereto, advertisements signed by their names.

**SEC. 19.** All or any of the district trustees shall be removable from office, by a majority of the householders and freeholders, who are voters of the district, at any of their meetings, and any vacancy or vacancies thereby occasioned, shall be filled at the same meeting by a majority of votes.

**SEC. 20.** The clerk of the township trustees shall appoint three district trustees in any district in which no district trustees have been elected, who shall hold their offices until their successors are qualified.

**SEC. 21.** The books, papers and accounts of any district trustee or board of district trustees shall be subject to the inspection of the board doing county business of the county in which the commissioner having jurisdiction over the district resides, three days notice thereof being given by process issued by the clerk of such board on the petition of five freeholders or householders of the district.

Trustees shall  
keep a record.

Vacancies  
how filled.

Books subject  
to inspection.

## CHAPTER VI. *District Treasurer.*

District treasurer.

**SEC. 1.** The district trustees shall annually appoint one of their body as district treasurer, who shall serve until the expiration of his office as district trustee and until his successor is qualified.

**SEC. 2.** Vacancies in the office of district treasurer shall be filled by the district trustees from their own body, subject to the above provisions.

**SEC. 3.** The district treasurer shall give bond payable to the state of Indiana, with penalty and security to be approved by the township clerk, conditioned for the faithful discharge of the duties of his office, and for delivering over to his successor at the close of his term of office, all moneys, property, books and papers in his hands as such treasurer.

**SEC. 4.** He shall also take an oath faithfully to discharge the duties of his office, which oath may be administered by the clerk of the township trustees or by a justice of the peace.

**SEC. 5.** The bond aforesaid shall be filed away and safely kept by the township clerk who shall record the same in his book, a copy of which, certified, shall be prima facie evidence of the original without its production, and suit may be brought on such bond or copy for the use of the district for school purposes, for any breach of the same.

**SEC. 6.** The district treasurer shall demand, receive and safely keep the moneys and personal property belonging to his district and appropriate the same as required by law, keeping a regular account of all receipts and expenditures.

**SEC. 7.** The books, papers and accounts of any district treasurer shall be subject to the inspection of the board doing county business of the county in which the commissioner having jurisdiction over the district resides; three days notice thereof being given, by process issued by the clerk of such board, on the petition of five freeholders or householders of the district.

## CHAPTER VII. *Leasing School Lands.*

Leasing school lands.

**SEC. 1.** The township trustees shall have power to lease any school lands belonging to their congressional township for any term not exceeding three years, payable in money or property, or improvements to be made thereon; or for the shortest time possible not exceeding ten years.

**SEC. 2.** During the existence of any such lease, such

Shall give bond.

Shall take an oath.

Bond to be filed.

Treasurer's duty.

Books subject to inspection.

trustees shall have and exercise all the rights and privileges of landlords in coercing the fulfilment of contracts and preventing waste or damage to the lands leased, either in their official names or the corporate name of the township.

**SEC. 3.** The trustees shall receive all moneys accruing to their township from leases or otherwise, and shall preserve all personal property and rents in kind belonging or accruing to said township, from lease or otherwise, and may sell such property from time to time in such manner as will best promote the interest of their township.

## CHAPTER VIII. *Sale of Congressional School Lands.*

Trustees shall receive rents.

**SEC. 1.** On the written petition of at least five qualified voters who are inhabitants of any congressional township to which any (unsold) lands for the use of schools may then belong, the school commissioner having jurisdiction over such township, or the trustees thereof (as the case may be) shall insert in the notices of the election for a trustee or trustees to be held on the last Saturday of August next following, the additional notice that a balloting will then be had to determine the question whether the said lands shall be sold or not.

**SEC. 2.** On like application to the school commissioner or township trustees (as the case may be), he or they may on giving like notice, order an election on any day of the year, Sundays excepted, to determine whether said lands shall be sold or not.

**SEC. 3.** The commissioner or trustees, (as the case may be), shall enter in his or their book the fact that such petition was presented, with the object thereof, and the time of presentation.

**SEC. 4.** Each voter favoring the sale of such land, shall write on the ballot used by him in voting for a trustee or trustees, or for a sale, the word "sale," and if opposing it, "no sale."

**SEC. 5.** There shall be no sale of congressional school lands in any township unless there are fifteen qualified voters resident therein, nor unless a majority of the voters of the township vote in favor of such sale.

**SEC. 6.** If a majority vote in favor of a sale, the judges and clerks of the election shall within seven day thereafter file a certificate thereof with the school commissioner, in which shall be included the number of votes for and against said sale.

**SEC. 7.** The trustees of such township shall thereupon divide the lands so voted to be sold, into such lots as will best suit purchasers and insure the best price, fixing a minimum price to each lot, not less than one dollar and twenty-

Lands may be sold.

Election.

Mode of voting.

No sale unless 15 votes concur.

Trust's shall divide lands.

five cents per acre, below which it shall not be sold.

**SEC. 8.** The clerk of said trustees shall forthwith certify such appraisal of lots and also such divisions (if made) to the commissioner who shall record the same at length in his books.

**SEC. 9.** The commissioner shall thereupon proceed to sell such lots separately at public auction to the highest bidder, as hereinafter provided.

**SEC. 10.** The township trustees are authorized with the consent of the lessee or person deriving title from him, to cancel or annul any unexpired lease, which avoidance shall be evidenced in writing, under the hands of such trustees and lessee, or person deriving title from him as aforesaid.

**SEC. 11.** Such avoidance shall be filed away and kept by the school commissioner and recorded in his book, an attested copy of which record shall be prima facia evidence of the contents of such avoidance.

**SEC. 12.** Any school lands subject to an unexpired lease, may be sold, if under the provisions of this act it be so voted but subject to such lease, the full benefit of which shall enure to the purchaser, his or her representatives, or assigns, and the same may be enforced in his or their names.

**SEC. 13.** The commissioner at least sixty days before the sale by him of any school lands, shall post up notices thereof in three of the most public places in the township where the land is situated, at the court house door, and such other places as he may deem proper, and advertise the same in the nearest public newspaper thereto.

**SEC. 14.** Such sale shall be held at the court house of the county in which the lands are situate, between the hours of 10 o'clock, A. M., and six o'clock, P. M., and may be adjourned from day to day till the same is completed.

**SEC. 15.** Where school lands have been offered for sale under this act, and remain unsold, the commissioner is required to sell the same at private sale for the best price that can be had for the same, not less than the minimum price thereof so fixed by the trustees.

**SEC. 16.** The commissioner shall record every such sale in his book, setting forth the tract sold, when, to whom, and for what amount, and deliver a certified copy thereof under his hand, to the recorder of his county within five days thereafter, who shall record the same and certify a copy thereof to the board doing county business of said county.

**SEC. 17.** Every purchaser at such sale shall pay to the commissioner at the time thereof one fourth of the prin-

Com'r to sell.

May cancel a-  
ny lease.

Avoidance to  
be filed.

Lands sold  
subject to  
lease.

Com'r give  
notice

Sale when  
held.

Com'r may  
sell at private  
sale.

Sale to be re-  
corded.

Terms of sale

pal and legal interest on the residue for one year in advance.

**SEC. 18.** Upon a failure to pay such interest or the residue of such principal within sixty days after the same becomes due, the rate of interest from the expiration of said sixty days shall be 100 per cent. per annum, until paid; but upon failure to pay it within six months after it is due the land together with any and all previous payments made thereon and the contract of sale therefor shall be forfeited with the restrictions and limitations hereinafter expressed to the congressional township to which the same belongs; and the commissioner upon such forfeiture shall forthwith proceed to re-sell the lands; such second sale being subject to the same legal regulations as the first; but if the commissioner by virtue of such second sale shall receive, taken together with the payments which have been made by the first purchaser, more than the full amount of principal, interest, and costs, to which the township and its officers were entitled by virtue of the first sale, together with all incidental expenses, and the per centage for failure of payment as above provided, it shall be the duty of the commissioner to hold such residue for the use of, and payable to the order of the first purchaser or his legal representatives: *Provided, however,* if the purchaser, or his legal representatives shall before the sale of any land, by reason of said forfeiture, pay all interest and principal that is then due, together with all penalties, per centum and costs, such purchaser or his representatives shall have the benefit of the original time of credit, the same as though no default had been made.

**SEC. 19.** If any person shall forfeit any lands as aforesaid, purchased under the provisions of this act, he shall be liable for any damages he may have committed thereon by the unnecessary waste or injury of timber, or otherwise to be sued for and recovered in the corporate name of the congressional township to which the same belongs.

**SEC. 20.** Such commissioner, on receiving the first payment for lands sold under any of the above provisions, shall give the purchaser a certificate of such sale.

**SEC. 21.** Any person bidding off any tract of land at any such sale, and failing at the time to make the first payment as above required, shall be liable to pay ten per centum on the sum so bid, to be recovered by said commissioner in an action of debt, before any justice of the peace, or in the circuit court having jurisdiction in the corporate name of the township owning such land; and such commissioner, his deputy or agent, shall be competent witnesses in such action.

Land to for-  
feit on failure  
to pay inter-  
est.

Purchaser lia-  
ble for dam-  
ages when  
lands forfeit.

Com'r. shall  
give purchas-  
er certificate.

Purchaser fail-  
ing to com-  
ply with his liabil-  
ity.

Right of pos-  
session.

**SEC. 22.** Every purchaser holding a certificate of sale as aforesaid, shall have the right of possession of the land therein named, unless he shall forfeit the same as aforesaid, or the same be held by a prior unexpired lease, the lessee not consenting thereto.

Com'r. make  
a deed.

**SEC. 23.** Upon full payment of principal and interest for any tract of school land as herein required, the commissioner shall execute a deed of conveyance therefor to the purchaser, his heirs or assigns, in the corporate name of the congressional township to which the same belongs.

When pur-  
chase money  
paid before  
due.

**SEC. 24.** Should such purchase money be paid before the same is due with all interest then due thereon, such deed may be required forthwith, but no discount shall be made for such prompt payment.

Deed.

**SEC. 25.** Such deed when executed, shall vest in the purchaser or his assignee, as the case may be, his heirs and assigns forever, all the right, title and interest of the inhabitants of the township to such land.

Shall be ac-  
knowledged.

**SEC. 26.** Such deed shall be acknowledged as in other cases by such commissioner at the cost of the grantee.

Certificate ac-  
knowledged  
when assign-  
ed.

**SEC. 27.** No assignment of any such certificate shall be recognized by such commissioner, unless the same be acknowledged before him or some other officer of this state duly authorized by law to take acknowledgments.

#### CHAPTER IX. Commissioner depositing money in the Loan Office.

Voters deter-  
mine how mon-  
ey may be  
disposed of.

**SEC. 1.** When the school section of their congressional township or a part thereof has been sold, the township trustees shall call a meeting of the qualified voters of said township, to determine by vote, the question whether the moneys arising from their school lands or from donations, shall be deposited in the loan office or be loaned by the school commissioner.

Notice of  
meeting.

**SEC. 2.** They shall give two weeks notice by written advertisements, put up in three of the most public places in the township, of the time and place of such meeting and election, which shall be in some public and convenient place in the township.

Inspector.

**SEC. 3.** The clerk of the trustees shall act as the inspector of the votes at any meeting held by the qualified voters of their congressional township, not otherwise provided for by this law.

Election how  
conducted.

**SEC. 4.** Such election and all other elections contemplated by this act, and not herein otherwise specially provided for, shall as near as is convenient, be conducted in conformity to the law regulating general elections.

**SEC. 5.** Each voter at such meeting, wishing said moneys deposited in the loan office, shall write on his ballot "loan office" or other words expressive of such wish; and each voter wishing said moneys to be retained and loaned by the school commissioner, shall write on his ticket "commissioner" or words to that effect.

**SEC. 6.** The number of votes so given on both sides, shall be recorded in the books of the trustees of such township by their clerk.

**SEC. 7.** If a majority of the voters of any township decide in favor of placing said moneys in the loan office, a result of certificate of the same shall be made by the judges of such meeting under their signatures, and be forwarded by them to the commissioner without delay.

**SEC. 8.** The commissioner shall record said certificate in his book and retain the original on file in his office.

**SEC. 9.** The commissioner on the receipt of said certificate, shall as soon as practicable, deposit such school funds in the loan office, and take from the superintendent of the loan office, a receipt specifying the amount deposited and the township from which the same was received.

**SEC. 10.** The commissioner shall copy said receipt in his book and file the same in his office, and also forward a certified copy thereof to the clerk of the trustees of the proper township, who shall record the same in his book and keep the original on file in his office.

**SEC. 11.** Money so deposited in the loan office, shall there remain a permanent fund for the purposes of school education for each township to which it belongs and shall yield a legal interest not less than at the rate of six per cent. per annum.

**SEC. 12.** The faith of the state is hereby solemnly pledged to the inhabitants of each of said townships for the preservation of said funds, belonging thereto and for the payment of the annual interest.

**SEC. 13.** The superintendent of the loan office shall calculate the interest which shall have accrued on the moneys of each township on the second Monday of January in each year, which he shall pay over thereafter, when applied to for that purpose.

#### CHAPTER X. Lointing School Moneys.

**SEC. 1.** If the commissioner shall not be notified to deposit the school fund of any township in the loan office, he shall after the time of the election provided for by the ninth chapter of this act, loan the same as fast as it shall come to his hands, at an interest of not less than six per cent.

Ballots.

Certificate of  
result of.

Certificate re-  
corded.

Com'r. shall  
deposit mone-  
y.

Cl'k. record  
certificate.

Money depo-  
sited in loan  
office.

Faith of the  
state pledged.

Interest.

Com'r. shall  
pay over in-

terest.

per annum payable in advance, and for a term not less than one, nor more than three years: *Provided* it shall be lawful for the commissioner to keep any congressional money in his hands ten days after the time provided for such election, and in cases where no such election is required, ten days after it comes to his hands, unless he can sooner loan it on good security for ten per cent. per annum interest.

Citizens of township shall have preference.

Money loaned how secured.

Chain of title certified.

Lands appraised.

Amt. to be loaned to each person.

SEC. 2. In loaning said moneys preference shall be given to applicants who are citizens and freeholders of the township to which the same belongs, if applied for within five days after the receipt of the same by the commissioner.

SEC. 3. To entitle any person to the loan of school funds, such applicant shall file with the commissioner the certificate of the recorder of the county in which the lands proposed to be mortgaged on such loan are situate, shewing that the unincumbered chain of title to such lands on record in his office is regularly derived from the United States, and that [there is] no mortgage, lien or claim on such lands of record in his office against such applicant, which shall be accompanied by the affidavit of the applicant to be administered by said commissioner, that said land is free and unincumbered and that the legal and equitable title thereof is in him.

SEC. 4. *Provided, however,* That if said applicant have only the final certificate and no patent has been issued thereon, the affidavit of the applicant, made before and filed with the commissioner, together with the final certificate, shall authorize a loan on mortgage, the same as though the patent was issued and recorded in the recorder's office of the county. *Provided also,* That if the patent be issued by the government and is not in possession of the applicant for the loan, his affidavit that there is a patent granted to a particular person, shall be sufficient evidence of the fact.

SEC. 5. Said borrower may have said land appraised by the trustees of the congressional township where the land lies, excluding buildings and deducting any contingent interest of dower or tenancy by courtesy.

SEC. 6. The commissioner shall thereupon on taking a mortgage, as hereinafter expressed, loan to such applicant or joint concern, any sum not exceeding three hundred dollars, and not exceeding half such appraised value of said land. But if the borrower does not procure the land to be appraised, then the commissioner shall loan on unimproved tracts, not exceeding seventy-five cents on each acre mortgaged, and on tracts one-sixth part of which is improved, not exceeding one dollar and twenty-five cents for each acre mortgaged.

SEC. 7. The funds so loaned on any one mortgage shall belong to but one congressional township.

SEC. 8. Every such appraisement, certificate of a clerk or recorder and affidavit shall be, by such commissioner, carefully filed away and kept in his office.

SEC. 9. Prior to loaning any such money, the applicant shall execute duplicate mortgages, which may be acknowledged before the commissioner.

SEC. 10. One of the duplicate mortgages shall be filed and recorded in the recorder's office of the proper county, and the other retained and filed by said commissioner, and either of them shall be original evidence of the contents thereof.

SEC. 11. Where there are more applicants than one for the said money, the commissioner shall loan it to either at his discretion, upon the best terms of security offered.

SEC. 12. When such commissioner shall loan money under the provisions of this act, he shall retain one year's interest out of the loan, at the highest lawful rate per centum which can be procured not less than six.

SEC. 13. There shall also be retained out of said loan, by such commissioner, the fees annexed to such of the following services as may be required in perfecting such loan, under the provisions of this act, that is to say:

To each trustee for the appraisement of any land attempted to be mortgaged,	\$0 25	Fees.
For recording any such mortgage,	25	
For entering satisfaction of record of the same,	12 $\frac{1}{2}$	
For writing the duplicate mortgages,	50	
For taking the borrower's affidavit,	12 $\frac{1}{2}$	

SEC. 14. If any commissioner shall retain school money in his hands (a longer time than allowed by this act,) when the same could have been loaned on good security, he shall upon conviction thereof by presentment or indictment, be fined in any sum not exceeding five hundred dollars; and on such conviction there shall be a judgment of deprivation of office.

#### CHAPTER XI. Sales by Mortgage.

SEC. I. If default be made in payment of any interest on any loan hereby authorized, for the space of six months, after the same is due, such default shall be a failure of further credit on said loan; and all the principal and interest, and additional per centage thereon shall be due and payable instanter.

Com'r shall sell forfeited lands.

**Sec. 2.** On such forfeiture the commissioner shall forthwith proceed to sell for ready money, the fee simple of the premises mortgaged in security therefor; giving at least twenty days' notice of the time and place of sale, by posting up written advertisements thereof in three of the most public places in the township in which such land may be situate; and also by advertising the same for three weeks successively in the newspaper printed and published nearest the said land, if any be printed in his county: which sale shall be at the door of the court house or place of holding courts in the county: And upon such sale he shall retain out of the proceeds accruing from it, the full amount of principal and interest unpaid on such loan, together with the per centage for failure of payment, as herein provided; and five per centum thereon for all his trouble, and such other costs as may accrue on said sale—paying over any residue that may arise from it to the mortgager of such land, or his legal representatives.

**Sec. 3.** Any mortgaged lands liable under the provisions of this act to be sold for any default of payment, may, if the mortgager be dead, be sold without any notice to his or her heirs, or representatives, or others, except the advertisements provided for by this act. And the title of the purchaser shall, in such case, be as valid as though the mortgager was living.

**Sec. 4.** If the amount made on such sale be insufficient to pay the debt, interest, and costs, and per centum, such commissioner or his successor, shall immediately proceed by action of debt to recover the residue, either in his own name as such commissioner, or in the corporate name of the congressional township to which such residue belongs, in which latter case such commissioner shall be a competent witness.

**Sec. 5.** Upon such sale of the mortgaged premises, each commissioner or his successor shall, on the reception of the purchase money make a deed of conveyance to the purchaser of the lands so sold, which shall vest in him the right and title of such mortgager thereto.

**Sec. 6.** The board of trustees of the congressional township to which such debt and interest belongs, may order a member of such board to attend the sale and bid for the land an amount not exceeding the aggregate of such debt, interest, costs, and per centum, should no other person bid an amount equal to such aggregate.

**Sec. 7.** Such order shall be recorded by the clerk of said board in his book, a certified copy of which in his hand shall authorize the member thereby appointed and holding the same to bid as aforesaid.

**Sec. 8.** Should such member bid off such land as

Trustees may bid off said land.

Order to be recorded.

aforesaid, such commissioner shall execute to the inhabitants of said township a deed of conveyance therefor, Com'r make deed. which shall vest in said inhabitants as such body politic and corporate the right and title of said mortgager there-to.

**Sec. 9.** Such land shall afterwards be subject to the same provisions of this or any other law to which the sixteenth section of any congressional township is made subject.

**Sec. 10.** Should such land be bid in by order of such trustees as aforesaid, such cost shall be defrayed out of any school moneys belonging to such township, and their amount may be retained by such commissioner out of any such moneys which may then or thereafter be in his hands, Cost, how defrayed. he keeping a regular account thereof.

## CHAPTER XII. Townships and Districts acquiring and selling Land.

**Sec. 1.** Any school district or congressional township District may acquire a piece of land by devise or gift, or by sale and conveyance pursuant to the vote of the district or township meeting, which land shall enure to the sole benefit of the district as the same may be changed from time to time forever.

**Sec. 2.** Any congressional township may by vote decide that any parcel of land conveyed to its inhabitants by gift or sale, shall be sold, on which decision the Township. may sell land. commissioner shall sell and convey the same, and the proceeds shall form part of the school funds of the township.

**Sec. 3.** In making such sale the commissioner shall, as near as practicable, pursue the plan laid down for the sale Terms of sale. of other school lands, except that he shall require the whole purchase money in hand.

**Sec. 4.** Any district meeting may decide that any parcel of land conveyed to its inhabitants shall be sold, and District may sell land. may prescribe the terms and manner of such sale, in which case the district clerk shall sell the same, and make a conveyance thereof under his hand and seal in the name of the inhabitants of such district, which instrument shall vest the interest of such district in the land, in the purchaser thereof, his heirs and assigns forever.

**Sec. 5.** Any conveyance or devise hereafter made of any real or personal property to any townshsp trustee, or to the trustees of any school district, or for the benefit or use of the inhabitants of such township or district for school purposes, hereby legalized, and such property shall Conveyances enure to the sole use and benefit of the inhabitants of such district or township for such purposes forever.

**SEC. 6.** Donations or devises of personal property being made to any school district, such property shall be subject thereafter to the entire control of such district.

**Deeds recorded.** SEC. 7. All deeds, mortgages or other conveyances of real estate provided for by this act, shall be acknowledged and recorded the same as other conveyances, and for the fees prescribed by this act.

**Certificates lost, a new one may be obtained.** SEC. 8. That where any person shall have become the purchaser of any tract of school land, by virtue of the provisions of any law of this state, authorizing the sale thereof; and shall have received a certificate of purchase therefor, which such certificate such purchaser shall have lost, or the same shall have been destroyed by casualty, it shall be lawful for such purchaser to make affidavit of such loss or destruction before any person authorized to administer oaths, and after having given notice by three consecutive weekly publications in some newspaper printed in the proper county, or if none such be published therein, then in some newspaper published nearest thereto, of his intended application, he may make application to the proper school commissioner upon the presentation of which affidavit to said school commissioner, together with satisfactory proof of the said notice having been given, he shall issue to the person so applying a new certificate for the said tract of land so purchased by him, which shall have the same force and effect as the original certificate.

### CHAPTER XIII. Drawing Interest for the use of Schools.

**Trustees draw interest.** SEC. 1. The township trustees shall semi-annually on the first days of March and September, or within ten days thereafter, draw upon the superintendent of the loan office, and also upon the school commissioner for any interest of moneys belonging to their township, copies of which drafts shall be recorded by the clerk in his book.

**Com'r shall pay drafts.** SEC. 2. The superintendent and commissioner shall pay such drafts and file them away as their vouchers.

**Drafts, how made.** SEC. 3. The superintendent shall not be bound to recognize any such draft, unless the commissioner annexes his certificate thereto, that the persons making the same are trustees of their township.

**When made.** SEC. 4. The trustees shall not make any such draft unless the inhabitants of at least one district of their township shall have determined to establish a public school therein; or unless one or more householders may have employed a teacher in conformity to the fourteenth chapter of this act.

### CHAPTER XIV. Employment of Teachers and distributing the Funds.

**Teacher employed.** SEC. 1. After a school house is in readiness, the district trustees shall employ a teacher in pursuance of the vote of the district, for at least three months, on the most advantageous terms, taking ability into consideration.

**Ability of teacher.** SEC. 2. No person shall be employed as a teacher in a district school, unless the district trustees are satisfied of his or her ability to teach reading, writing, and arithmetic.

**Cir. court to appoint examiners.** SEC. 3. It shall be the duty of the circuit court of each county to appoint three suitable persons as examiners of common school teachers, who shall hold their offices for one year, and until their successors shall be appointed and qualified.

**Shall take oath.** SEC. 4. Each examiner shall take an oath or affirmation that he will make true and faithful certificates according to the provisions of this act.

**Examiners duty.** SEC. 5. It shall be the duty of each examiner to examine such persons as may apply for that purpose, and certify that the branches of learning that each applicant is qualified to teach.

**Trustees shall examine teacher.** SEC. 6. The certificate of any such examiner or examiners are only to be used as auxiliary to aid trustees in determining qualifications of teachers, but shall not entitle the possessor to employment without the examination and approbation of the trustees.

**Trustees contracts with teacher.** SEC. 7. The district trustees, in the absence of any directions of the district meeting may contract with a teacher that the inhabitants sending to his school shall pay a gross sum per month, per quarter, or per year; and in that case each shall pay in proportion to his sending to school.

**Inhabitants entitled to school funds.** SEC. 8. The district trustees may, in the absence of instructions aforesaid, stipulate with the teacher that each inhabitant may make his or her own contract by subscription.

**Inhabitants entitled to school funds.** SEC. 9. But in either and all such cases each inhabitant shall be entitled to his share of the school funds adjusted as provided for by this act.

**Distribution of funds restricted.** SEC. 10. No part of the school funds or rents shall be distributed to any district, except in cases provided for by this chapter and the sixteenth section of the fifth chapter, the third section of the sixteenth chapter, the twenty-second chapter and twenty-third chapter of this act, unless the district treasurer shall first file an affidavit with the treasurer of the township, that there is a school house in the district (either built or adopted) of convenient size, with sufficient lights, and that it is so furnished and repair-

Persons not sending may draw funds.

Statement of pupils filed by teac hr.

Any householder may employ teacher.

Teacher must have certificate.

Must keep a list, &c.

Private school when to cease.

May send to other districts.

ed as to render the teachers and pupils comfortable; which oath the township treasurer may administer, and he shall be entitled to no fee therefor.

**SEC. 11.** Any inhabitant sending to school in an adjoining district or township, and persons supporting a private school under the provisions of this chapter of this act, shall be entitled to draw the proportion of their school fund of the township in which they reside.

**SEC. 12.** The teacher shall also produce to the district treasurer a duplicate of such statement of pupils, verified by his oath or affirmation endorsed thereon, which shall be filed away by such treasurer in his office, and his authority for paying over the portion of the funds destined for the district, and a copy thereof shall be by the district treasurer deposited with the township treasurer.

**SEC. 13.** Each of said duplicates shall be *prima facie* evidence of its contents.

**SEC. 14.** If the inhabitants of any school district shall fail to elect district trustees, or if the district trustees fail to call a meeting for the purpose of establishing a school; or if a meeting has been called without resulting in an agreement to support a school, any one or more householders may employ a teacher, either male or female, to teach his or their children, and the children of others in the district who may wish to send upon such conditions as he or they can agree upon.

**SEC. 15.** No teacher shall be employed under the fourteenth section of this act, unless he or she have the certificate of two of the examiners of common school teachers, stating in addition to the branches of learning he or she is qualified to teach, that such person is qualified to teach a common school.

**SEC. 16.** The teacher so employed shall, the same as other teachers under this act, keep a list of days sent to school by each employer. And the township treasurer shall, on the presentment of such list sworn to, and the presentations of the certificates of the examiner, touching qualification, pay to each employer his or her proportion of the funds of the township.

**SEC. 17.** Should the inhabitants of such district commence a school the private school aforesaid shall cease at the end of the current quarter; or if continued longer, the employers of the teacher shall not be entitled to a dividend therefor out of the township treasury.

**SEC. 18.** Any inhabitants in whose district there is no school, or who is so situated as to render it inconvenient to send to the school of his or her district, by the consent of the trustees of his or her township, and of the trustees of the district where such person is desirous of sending to

school, shall have the privilege of sending to any other district school in his own or an adjoining township.

**SEC. 19.** The teacher shall keep a list of all non-resident pupils, and at the expiration of every three months, or on such pupils quitting school, shall give to the person sending, a certificate of the number of days so sent, which with a duplicate shall be verified by his affidavit, before a justice of the peace or the treasurer of the township where such person resides.

Teacher must keep a list of nonresidents.

**SEC. 20.** Such duplicates shall be *prima facie* evidence of their contents, and shall be disposed of as the duplicates before mentioned.

**SEC. 21.** Any resident of one organized district, sending to school in another, shall upon the verified certificate of the teacher of said school, be entitled to draw from the treasurer of the district in which such person may reside, so sending to school, the same proportion of the school funds that he or she would have been entitled to, had he or she sent to a school in his or her own district.

Non-resident, &c. must draw from his own district.

**SEC. 22.** Any person residing in an unorganized district shall be entitled to draw of the treasurer of the township of which the person so sending to school shall be resident, upon the certificate of the teacher as above directed, a similar proportion for every three months sent to school, that organized districts in the same township are entitled for each person between the ages of five and twenty-one years, sent to school for a similar term, which shall be credited to the township against such district.

Unorganized districts.

**SEC. 23.** But such inhabitants shall not be liable to perform any labor, or deliver any materials, or to pay any other tax to which the other inhabitants of his district are liable, as voted by them in their district meeting aforesaid, unless he intends to draw his proportion of such school fund aforesaid.

Inhabitants not to be taxed unless they intend to draw funds.

**SEC. 24.** In all cases where a teacher has been prevented from teaching the full term for which he was employed by reason of sickness or other good cause, his place may be supplied by another, to be selected by the district trustees; and each such teacher shall be paid for the time he rendered service, upon satisfactory proof being made of such service.

Where teacher has failed to teach his full term.

**SEC. 25.** Every pupil over the age of twenty-one years, attending a district school, shall be taken into the enumeration for a distribution of the dividend of the school fund as though such pupil were under that age.

Pupils how enumerated.

**SEC. 26.** All school districts that do not support a school in which the number of children between the ages of five and twenty-one years, does not amount to twenty-five, shall notwithstanding be entitled to receive their pro-

Districts where there are not 25 children.

portion of the money in manner following: After a district is laid out the township treasurer shall open an account with each district that does not contain twenty-five children between those ages, and give to it the credit for its proportion of the dividend each year, and until one year after such number of children amounts to twenty-five.

Township  
Treasurer  
shall loan  
funds.

Treasurer to  
payover funds  
to district.

SEC. 27. The township treasurer shall loan the funds of any such weak district for one year at a time, at the best legal rate of interest that he can obtain on good security, taking notes signed by at least three good freehold securities.

SEC. 28. If within one year after the number of children in a district between said ages amounts to twenty-five, or at any time after the year before the distribution of the money, such district supports a school not less than three months in the year, it shall be the duty of the township treasurer, so soon as the same is paid into his hands by the borrower, to pay over to the district treasurer the whole of such reserved funds and the interest that shall have accrued thereon.

Draw funds to  
build school  
house.

SEC. 29. Nothing in the preceding sections shall be so construed as to prevent any such district at any time from drawing their proportion of the funds of the township, to aid them in building a school house.

Funds may  
be divided  
among other  
districts.

SEC. 30. After the expiration of one year from the enumeration, when any such district has twenty-five children between the ages of five and twenty-one years, if at the next division of money thereafter, such district has not supported a school at least three months, or drawn their funds to build a school house, the township treasurer shall divide the funds and the interest that may have accumulated thereon, between the other districts, or persons, in the townships that have supported a school or are about to build school houses.

## CHAPTER XV. Suits.

Trustees may  
sue for injury  
done &c.

SEC. 1. The trustees of any congressional township, in the corporate name of their township, may sue and recover on any cause of action accruing to the inhabitants of the township in their corporate capacity, by reason of any injury done to school lands, school houses or otherwise, whether such cause of action accrued before or after the commencement of their official character.

Statute of  
limitations  
shall not bar.

Suit how  
brought.

SEC. 2. No statute of limitations shall be pleadable in any suit brought by any school commissioner in his official, or by any township in its corporate capacity.

SEC. 3. In all cases where any suit is necessary to be brought against any person in any school district for failing

to perform any duty, or to pay any assessment of tax for building or repairing a school house in such district, or for failing to perform any labor thereon, it may be brought in the name of the district trustees without setting forth their individual names.

SEC. 4. Suit may be brought on the commissioner's bond in the name of the state for the use of any congressional township, school district, person or persons, injured by any breach of the same, by such commissioner, and a further suit or suits may be brought thereon for any further and subsequent breach to the injury of any other person or persons, township or townships, district or districts.

SEC. 5. The school commissioner shall by his proper name as school commissioner, be entitled to demand, sue for, and recover, and receive all moneys arising from school lands in his county, or belonging to any township in the county over which he has jurisdiction; excepting in townships that have trustees, such trustees shall have all the control provided for in the seventh chapter of this act.

Suit on Com's  
bond.

Com'r may  
sue.

## CHAPTER XVI. *Duty of Teachers.*

SEC. 1. Every teacher shall keep an entry of every person entitled to a distributive share of the school fund, with the number of pupils by him or her sent each day during the year next preceding the second Monday in March, with the sum total accurately calculated at the foot thereof, and file the same with the district treasurer.

SEC. 2. Such list of pupils sent to school, verified by the teacher's affidavit, shall be laid before the township treasurer on or before the second Monday in March, which shall be sufficient evidence that there has been a school taught in such district.

Teacher must  
keep entry,  
&c.

Make affida-  
vit.

SEC. 3. The township treasurer shall thereupon pay Township treasurer  
over to each district treasurer, presenting such lists so much shall pay over  
of said school funds in his hands, as they may be entitled funds.  
severally to receive according to their list of persons be-  
tween five and twenty-one years of age.

SEC. 4. The district treasurer shall within three days after, pay over (if the same is demanded) the funds by him so received, as well as any other school funds in his hands, to each inhabitant of his district in due proportion to the time sent to school by each, and the aggregate number of the whole, taking receipts therefor, which he shall carefully file in his office: *Provided nevertheless,* if the inhabitants or the trustees shall have made a contract to that effect with the teacher, the district treasurer shall pay to the teacher so much of said fund as is due him for service ren-

District treas-  
urer shall pay  
over funds &c.

dered, if so much shall have come to the hands of the treasurer.

### CHAPTER XVII. *Taxation.*

School lands  
exempt from  
tax.

**SEC. 1.** Any congressional school land sold under this act, shall be free from state and county taxes, and none other until the same be finally paid for, but the non-payment of any other taxes assessed on such lands shall not operate as a forfeiture of the same until it be paid for to the proper authority.

Mortgager li-  
able to pay tax

**SEC. 2.** The mortgager of lands to secure the payment of the money loaned, shall be liable to pay the taxes thereon; and the personal property and other lands of the mortgager shall in the order named be first liable for such taxes.

Enumeration  
of districts ta-  
ken.

**SEC. 3.** The mortgage lien of the township on such land shall have preference to the lien of the state or county for taxes.

**SEC. 4.** If any district meeting decide to build or adopt a school house and support a school, or if a school house has been built or adopted, and a decision made to support a school in such district, in either case the trustees shall forthwith proceed to take an enumeration of all freeholders and householders in their district who are voters, and of all persons therein under twenty-one years of age, and a list of the property subject to state or county taxes with the valuation thereof, by them made, and annexed to the name of each owner.

Enumeration  
taken by de-  
puty.

**SEC. 5.** The district trustees may take such lists and valuation by deputy, said deputy being sworn by the district clerk, who shall enter his appointment and oath in his book and give a certificate to the person or persons severally appointed.

Enumeration  
annually ta-  
ken.

**SEC. 6.** A like enumeration and list shall be taken annually thereafter unless a different decision be made at a district meeting.

Persons fail-  
ing to give  
list.

**SEC. 7.** If any inhabitant having such taxable property and being called on by the person or persons authorized to make out such list and enumeration (for that purpose) shall wilfully refuse or neglect to furnish a true statement in relation thereto, he or she shall forfeit five dollars, to be recovered by action of debt before a justice of the peace for the use of the school of such district.

Tax assessed  
to build  
school house.

**SEC. 8.** After a list of the taxable property and enumeration of the inhabitants as aforesaid, any district intending to build a school house, shall, after taking into account, using or appropriating their portion of the fifty dollars contemplated by the fifteenth section of "An act in

furtherance of an act to provide a fund to encourage common schools," approved February 2, 1832, approved February 7, 1835, and the labor of the freeholders and householders herein contemplated, determine by the vote of the persons whose property is listed, what tax shall be assessed, on what property, the proportion to each, and who, (if any) shall be exempt from such tax or any part thereof, and whether the same shall be paid in work or materials on such school house, or in money, and what portion of each, and in fixing the proportion of each person, said district may take into consideration the number of each person's children to be educated, and other equitable circumstances: *Provided*, That real estate, lying within any school district belonging to non-residents of the district, may be taxed the same as any other real estate, by a vote of the district, for the purpose of building a school house.

**SEC. 9.** Every able bodied male person being a freeholder of such district, of the age of twenty-one years or upwards, shall be liable to work two days on such school house, if necessary to complete the same.

**SEC. 10.** Any person failing after two week's notice to comply with the legal requisitions of his district, by vote as aforesaid in money, labor at fifty cents per day, or materials at the value thereof, shall be liable to pay the same with costs of suit by judgment before a justice of the peace.

**SEC. 11.** Such tax list or copy thereof, certified by the district clerk shall be prima facia evidence that the tax therin annexed to each person's name is due from such person.

**SEC. 12.** The district trustees may transfer any such judgment, for labor, materials or money, necessary for the school house, or they may coerce the payment of the same by execution.

**SEC. 13.** Every such delinquent may discharge such judgment previous to its transfer, or any sale under execution thereon, by paying all costs and furnishing the amount of the debt or damages thereof in such labor or materials (to be estimated by the district trustees) as in the opinion of such trustees are wanted about such building.

**SEC. 14.** Taxes may be assessed and collected as aforesaid, in any subsequent year after such school house is built, and all expenses thereon paid, and may be appropriated to the support of the school by the district trustees subject to the direction of such meeting.

**SEC. 15.** No district meeting shall direct a larger tax except the tax on building, re-building, or repairing their school house, than will make any person liable in one year

Nonresidents  
taxed.

Persons fail-  
ing may be sued.

Tax list, evi-  
dence.

Judgment  
ferred.

Judgment,  
how dischar-  
ged.

Taxes may be  
appropriated  
to support  
school.

Taxes not to  
exceed 1 per  
centum.

for one fourth of one per centum on the value of his property listed.

Tax shall not  
be levied after  
school house  
is built, ex-  
cept, &c.

SEC. 16. After such school house is built, and the expenses thereof paid, no person shall be liable to have his property listed, nor to pay taxes (unless he attends to, or does participate in the benefit of the school fund) but shall be allowed to send to such school free from any other tax than his just proportion of the necessary labor, materials, or money wanting from time to time to re-build the school house or keep it in repair, he fulfilling his own contract with the teacher for tuition, fuel, and contingencies as in other cases.

Receipt.

SEC. 17. All persons paying taxes of any kind shall be entitled to a receipt therefor from the person receiving the same.

#### CHAPTER XVIII. Fees.

The following fees shall be allowed for services rendered under this act:

##### School Commissioners' Fees.

SEC. 1. For each certificate of the purchase of school lands to be paid by the purchaser, \$0 25  
Taking an acknowledgement of the assignment of any such certificate, to be paid by the person making the same, 12

Each entry of payment of principal or interest on a loan by mortgage or on a purchase of school lands, to be paid by the person making payment, 25  
Making a deed for purchaser of school lands, to be paid by the purchaser, 75

Advertising sale in a public newspaper, to be retained out of the proceeds of the sale, 1 00

Any other advertisement required by law in a public newspaper, for three insertions, 1 00

Each additional insertion thereof required by law, 25  
The two last items to be allowed by the board or boards as the case may be, doing county business.

Taking each acknowledgment for the loan of school money, 12

SEC. 2. One per cent. out of any moneys by him deposited in the loan office.

SEC. 3. The county board shall allow the school commissioner, a sum not exceeding twenty-five dollars per annum over and above his specific fees, to be paid out of the county treasury.

School Com.  
fees.

His annual al-  
lowance.

SEC. 4. The commissioner shall retain out of any loan, the following annexed fees:

	Fees retained out of loan.
To each trustee for the appraisement of any land contemplated to be mortgaged,	\$0 25
For recording the mortgage,	25
For entering satisfaction of record of the same,	12½
For writing duplicate mortgages,	50
For taking borrower's affidavit,	12½

##### Recorder's Fees.

SEC. 5. For recording a mortgage, \$0 25 Recorder's fees.  
For entering satisfaction of record of the same, 12½  
For recording a deed of gift to the inhabitants of a township or school district, 12½

##### Township Clerk's Fees.

SEC. 6. For a certified copy of the names of the voters of any district, \$0 12½ Township clks. fees.

##### Fees of Township Trustees.

SEC. 7. Each township trustee for each day's service by him rendered during any year shall be exempt at his option from one day of military duty, one day of road labor or fifty cents road tax to which he may be subject during the same year, except he be a commissioned military officer, or in case of war, invasion or insurrection, or when required to aid the civil authorities.

Township trustees fees.

SEC. 8. Should the military duty, road labor and road tax from which such trustee is exempted under the above provisions during any year, not amount to fifty cents per day, for each day of service rendered as such trustee, the board doing county business for the county in which his congressional [township] is situate, shall allow him such further compensation as will make the deficit.

Board doing county busi-  
ness may al-  
low further  
compensation

SEC. 9. Should any congressional township be situate in two or more counties, the board doing business in each of said counties shall make such proportion of the above named compensation as that part of said township lying in their respective counties bears to the other as nearly as such proportion can be conveniently ascertained.

When town-  
ship is situa-  
ted in two  
counties.

SEC. 10. Each township trustee shall have for the appraisement of any school land contemplated to be mortgaged, \$0 25

Fee for ap-  
praising land.

*Fees of District Trustees.*

District trustees fees.

**SEC. 11.** Each district trustee while in office, shall be exempt from military duty, except he be a commissioned military officer, or in case of war, invasion, insurrection, or when required to aid the civil authorities.

Compensation for monies paid out.

**SEC. 12.** Such board or boards (as the case may be) shall also compensate such trustees in manner aforesaid, or in proportion aforesaid (as the case may be) for all moneys by them paid out, or expenses incurred in the necessary discharge of any other of their duties, for which, compensation is not provided by this act.

**CHAPTER XIX.**

The following forms may be used in all proceedings under this act:

*Commissioner's Certificate of Sale.*

Com'r. certificate of sale.

**SEC. 1.** A B, having on this day purchased the (here describe the land sold) being part of the school section belonging to congressional township number — (north or south as the case may be) in range number — (east or west as the case may be) in — county, Indiana, for the sum of — dollars and — cents, of which he has paid — dollars and — cents, being one-fourth part of the purchase money, and one year's interest in advance on the residue of the principal, which is — dollars and — cents, and payable in ten years from this date, together with six per centum interest thereon annually in advance. And if full payment of said principal and interest be made within ten years from this date, then the said A B, his assigns or representatives, shall be entitled to a deed in fee simple for said tract in the name of said township. But on failure to pay said interest for any year, or the residue of said principal for six months after either becomes due, and also interest at the rate of one hundred per cent. per annum after either principal or interest has been due sixty days, until paid, the said tract and all payments theretofore made thereon, and this contract of sale shall be forfeited and revert to the said township for school purposes.

Witness my hand and seal this — day of —, 18—  
\_\_\_\_\_, Commissioner.

*Deed for Congressional Township Land sold by the Commissioner.*

**SEC. 2.** Whereas A B or his assigns, (as the case may

be) has paid the sum of — in full for the — quarter of section number — in township No. — of Deed of land range] No. — (or otherwise describing the land) sold. containing — acres. Now know ye that in consideration of the premises and in conformity with the statute in such case made and provided, I, C D, school commissioner for the county of —, for and in the name of "the inhabitants of congressional township number —," (here describe the township so as to identify it) do give and grant the said — quarter, of section numbered —, to the said A B, and to his heirs and assigns forever.

C. D. School Commissioner, — county seal. [ ]

*Mortgage.*

**SEC. 3.** I, A B, of the county of —, Indiana, do Mortgage hereby mortgage, assign over and transfer to —, commissioner of the school lands in the county of — and his successors in office, for the use of congressional township — in range —, the following described land, to-wit: — to secure the payment of the sum of — — years from date with interest thereon payable in advance annually, I do agree that said land, and all my title, interest, and claim therein, may be exposed to sale if any part of such principal and interest or of either of them, be not paid at the time the same or either of them or any part thereof shall become due as herein stipulated, or within six months thereafter, for the payment of all the principal and interest in arrears with five per centum damage thereon and all costs. And I hereby acknowledge myself bound for the payment of any deficiency in the amount of principal, interest and costs, and after such sale, to be recovered by such commissioner or his successor in office by action of debt in any court of competent jurisdiction.

In witness whereof I have hereunto set my hand and seal this — day of — in the year —

A. B. [seal.]

*Deed of land donated or sold to any School District or Congressional Township.*

**SEC. 4.** Whereas, the inhabitants of congressional township No. — (here describe the township) or the inhabitants of school district No. — (here describe the district) are in want of a piece of land on which to erect a school house, or for school purposes (as the case may be), now therefore know ye, that I, A B, in consideration of the premises (in case of a gift) or in consideration of the premises and — dollars to me in hand paid, the receipt whereof is acknowledged, (in case of sale) for myself and my

Deed of land  
donated to  
township or  
district.

heirs forever, have given and granted, and do hereby give and grant unto all persons while inhabitants of such township or district (as the case may be) the following parcel of land (here describe it) to their exclusive benefit, use and behoof forever.

A. B. [seal.]

*Bond of District Treasurer.*

District treasurer's bond.

SEC. 5. Know all men by these presents, that we, A B and C D, are held and firmly bound unto the state of Indiana in the penal sum of — dollars, to which payment well and truly to be made we bind ourselves, our heirs, executors, and administrators firmly by these presents. Sealed with our seals this — day of —.

The condition of the above obligation is such, that, if the above bounden A B, who has been appointed treasurer of school district No. —, township No. —, range No. —, in the county of —, shall faithfully discharge the duties of said office, and at the close of the term thereof shall deliver over to his successor, all books, papers, moneys and property in his hands as such treasurer, then this obligation to be void; else to remain in full force and virtue.

[seal.]

[seal.]

Approved by me

— — — — —, township cl'k.

*Bond of Township Treasurer.*

Township treasurer's bond.

SEC. 6. Know all men by these presents that we, A B, C D, and E F, are held and firmly bound unto the state of Indiana, in the penal sum of — dollars, to the payment of which we bind ourselves, our heirs, executors and administrators, firmly by these presents. Sealed with our seals this — day of —, 18—.

The condition of the above obligation is such that if the above bounden A B, the treasurer of township —, in range —, in the county of —, or in the counties of —, (as the case may be), shall well and truly perform the duties of his office as treasurer of said township, and shall deliver over to his successor in office, all moneys, books, papers and property in his hands as such treasurer, then this obligation to be void, else to remain in full force and virtue.

[seal.]

[seal.]

The above bond and security accepted by  
— — — — —, school com'r.

### *School Commissioner's Bond.*

SEC. 7. Know all men by these presents, that we, A B, C D, E F, G H, I J, K L, and M N, are held and firmly bound unto the state of Indiana, in the penal sum of ten thousand dollars, to which payment well and truly to be made, we bind ourselves, our heirs, executors, and administrators firmly by these presents. Sealed with our seals this — day of —.

The condition of the above obligation is such, that if the above bounden A B, who was elected (or appointed) school commissioner for the county of —, shall truly and faithfully discharge the duties of his said office, and deliver over to his successor in office, all property, moneys, books, and papers that may come to his hands as such commissioner, then this obligation to be void and of no effect; otherwise to remain in full force and virtue in law.

Attest:

### *Teacher's Certificate of the Tuition of non-resident Scholars.*

SEC. 8. I, A B, teacher of the school district No. — Teacher's certificate. in township — in the county of —, do certify that C D, of township — or district — of township —, has sent children to this school since —, amounting in the aggregate to — days.

Given under my hand and seal this — day of —, 18—,

[seal.]

### *Oath on the back of the preceding Certificate.*

SEC. 9. State of Indiana, } Personally appeared before me, a justice of the peace for the county aforesaid, (treasurer of — township in the county aforesaid), A B, the within named teacher, who subscribed the within certificate before me, and being by me duly sworn, says the within certificate is true.

Given under my hand and seal this — day of —, 18—.

[seal.]

### *Form of an Examiner's Certificate for a district Teacher.*

SEC. 10. I or we, examiner or examiners of teachers of common schools for the county of —, having examined J W touching his or her qualifications to teach a common school, do certify that he or she is well qualified to teach [here insert the branches of learning.]

Given under my or our hands this — day of —, 18—,

A B, }  
C D, } Examiners.  
E F, }

Examiner's certificate.

*Examiner's Certificate for a person that is to teach an unorganized School.*

SEC. 11. I or we examiner or examiners of teachers of common schools for the county of —, having examined X Y, touching his or her qualifications to teach a common school, do certify that he or she is capable of teaching [here insert the branch or branches]; and further that we consider him or her well qualified to teach a common school.

} Examiners.

*Affidavit of District Treasurer that there is a sufficient School house.*

Treasurer's affidavit.

SEC. 12. State of Indiana, } ss. Personally appear-  
— county, } ed before me A B, the  
treasurer of congressional township — in range — in  
the county or counties of C D, treasurer of school district  
No. — in said township, who says on oath that there is  
in said district a school house of convenient size, with suf-  
ficient light, and that it is finished and repaired as to ren-  
der the teacher and pupil comfortable. Signed. C D.

Sworn to and subscribed before me this — day —.  
A B. Treasurer of town — range —.

*Certificate of consent that Scholars may be received at the District Schools, not living in the district or township.*

Certificate of consent to receive scholars into a school. SEC. 13. We — trustees of township — in range — in the county of — do hereby give our consent that J D shall send the children under his care to the school of out of town- district No. — in township — in said county.

Given under our hands and seals this — day of —.

} Trustees.

*Certificate of consent to receive non-resident Scholars into a School.*

Consent to receive non-resident scholars. SEC. 14. We, — trustees of the school district No. — in township — in the county of — do hereby con-  
sent and agree that J K, of the township of —, or the  
district of township of —, may send the children  
under his care, to-wit: R, S, T, and W, to the school of  
this district.

Given under our hands and seals this — day of —.

} Trustees.

*Oath of Office of the District Treasurer.*

SEC. 15. I, A B, solemnly swear or affirm that I will faithfully, and to the best of my understanding and abilities perform the duties of treasurer of school district — in township — in the county of —. Signed A B.

Oath of district treasurer.

SEC. 16. I, A B, solemnly swear or affirm, that I will faithfully, and to the best of my understanding and abilities, perform the duties of school commissioner for the county of —. Signed A B.

Oath of com.

*Oath of Township Treasurer.*

SEC. 17. I, A B, solemnly swear or affirm, that I will faithfully and to the best of my understanding and abilities, perform the duties of treasurer of township — range — in the county of —. Signed A B.

Oath of township treasurer.

*Oath of Township Trustee.*

SEC. 18. I, A B, one of the trustees of township No. — in range — in the county of —, do solemnly swear that I will faithfully and to the best of my abilities, perform my duty as such trustee. A B.

Oath of township trustee.

Sworn to and subscribed before me this — day of —.

School Commissioner.

*Oath of Teacher having taught a School three months, &c.*

SEC. 19. State of Indiana, } A B, teacher of the  
— county, } school in district No. —  
in township No. — in range — in said county, per-  
sonally appeared before me, treasurer of said township, or  
justice of the peace of said county (as the case may be)  
and made oath that he or she has taught a school in the  
school house in the said district (or adopted house descri-  
bing it) for — months, which school was open to all the  
inhabitants of said district, and further that the statement  
hereunto annexed, of the pupils sent to school for each day  
during that time is correct. Signed — Teacher.

Oath of teacher.

Sworn to and subscribed before me this — day of —.

*Oath of District Trustee.*

*Oath of district trustee.*  
**SEC. 20.** I, A B, trustee of district No. —— in township —— range —— in the county of ——, do solemnly swear that I will faithfully discharge the duties of trustee of said district to the best of my abilities. A B.

Sworn to and subscribed before me, (here add the title, whether clerk of the township or justice of the peace.)

*Affidavits for Loaning Money.*

*Affidavit for loaning money.*  
**SEC. 21.** I, A B, do solemnly swear, that a patent for the (here describe the land,) was issued to C D, from the General Land Office of the United States. A B.

Sworn to and subscribed before me this —— day of ——.

\_\_\_\_\_, Commissioner.  
 I, A B, do solemnly swear that the following land (here describe it), has been paid for to the United States, and no patent has been issued thereon that this deponent knows of. A B.

Sworn to and subscribed before me this —— day of ——, Commissioner.

*Township Treasurer's Report.*

*Township treasurer's report.*

**SEC. 22.** I, A B, treasurer of township No. —— in range No. —— in the county of (or counties of) ——, do hereby represent to the board of county commissioners, that I have under my care belonging to said township —— dollars and —— cents, personal property of the value of —— dollars and —— cents, notes against the following persons, of the following sums, to-wit:

Accounts and debts due said township from the following persons, and of the following sums, to-wit:  
 A B, has leased —— for —— years ending on —— day —— for (here describe the rent, and [in] what payable). Said township expended the last year for —— the sum of —— dollars and —— cents. There is now in the hands of the school commissioner of said county belonging to said township the sum of —— dollars and —— cents; said township has received from the commissioner during the year past, of interest the sum of —— dollars and —— cents; by virtue of "an act to provide for a fund to encourage common schools," and an act in furtherance of said act, the sum of —— dollars and —— cents.

Given under my hand this —— day of —— 18—. A.B.  
 Township Treasurer.

*An order to draw money for building a school house.*

**SEC. 23.** We, A B, C D, and E F, trustees of school district No. ——, in township No. ——, range No. ——, of lands sold at —— in the county of ——, do hereby order and direct that our portion of the funds of said township shall be applied to the building of a school house in said district, and we wish the township treasurer for that purpose to pay it over to G H, the district treasurer.

Given under our hands and seals this — day of — 18—.

A. B. [seal.]  
 C. D. [seal.]  
 E. F. [seal.]

*Recorder's Certificate of Title.*

**SEC. 24.** I, A B, recorder of the county of ——, do hereby certify that by the books of my office, it appears that C D, has a deed for (here describe the land) from —— who has a deed from ——, and that a patent for said land in the name of —— from the United States, is on record in my office, and that there is no mortgage, lien or claim against such land of record in my office.

Given under my hand and seal this — day of — 18—

A. B. [seal.]  
 Recorder of — county.

*CHAPTER XX.*

5000 copies of  
this act to be  
published.

**SEC. 1.** Five thousand copies of this act shall be printed and stitched in pamphlet form, with a strong paper cover, in addition to those printed and bound with the other general acts, the Secretary of State appending a complete and explicit index thereto; and so many shall be distributed to each county in which there are lands reserved for the use of schools, at the same time and manner in which the other laws of this session are to be distributed, as that each school commissioner, each township clerk, and each district clerk shall have one copy, the Secretary of State retaining the extra copies for future distribution.

**SEC. 2.** The clerk of each circuit court shall deliver the copies of this act by him received, to the school commissioner of his county, to be by him distributed from time to time, as required by this act, keeping the residue in his office.

*CHAPTER XXI. Relative to an act to provide a fund to encourage Common Schools.*

Copies to be  
delivered to  
school com'r.

**SEC. 1.** Where there shall have been no school com-

Clerk. of  
to perform the  
duty school  
com'r,

missioner elected or appointed in any county, the clerk of the circuit court of such county shall be authorized and empowered to perform and discharge the duties that would devolve upon such commissioner, by the act entitled "an act to provide a fund to encourage common schools," app'd. Feb. 2, 1832, and such clerk shall perform such duties, and approve the bonds of township treasurer, if there be no school commissioner, and receive the like compensation as is prescribed and allowed by said act to the school commissioner.

*Tax may be paid clk when there is no school com'r.* SEC. 2. In all cases where under the above named act, any lands shall have been subject to a lien for any tax, penalty, or per centage, in any of the counties of this state, and the owner of such land or any person in his behalf, shall at any time have been desirous of paying such tax, penalty and per centage, but has been prevented from so doing by reason of there being no school commissioner of the county in which such land is or was situated, it shall and may be lawful for such owner or any person on his behalf, to redeem such land, by paying the school commissioner of the proper county when any shall have been elected or appointed, and if not, then to the clerk of the court of such county, the amount of tax, penalty, and per centage due at the time of his application, or of readiness, and having expressed a wish to pay the same, with six per cent on that amount: and such owner or other persons on his behalf shall by disinterested affidavit prove the time of his readiness, when he expressed his wish to discharge such tax, penalty, and per centage before any deduction of interest shall be allowed as aforesaid, and such affidavit shall be filed with such commissioner or clerk.

Mistake in  
description of  
land how cor-  
rected.

SEC. 3. Whenever any mistake shall have been made in the description of any tract of land or town lot, in assessing the same, the board doing county business of the proper county, upon application, and said mistake appearing to said board, shall correct any such mistake; and where the tax shall have been actually paid, the said board shall rectify the same, by applying the amount so paid, in payment of the tax of the tract or lot upon which said tax was intended to have been paid: and it shall be the duty of the clerk of said board to give such applicant a certificate of relief granted, which being filed with the school commissioner of the county, shall release said property from the amount so paid.

Collectors re-  
turn must de-  
scribe the  
land.

SEC. 4. The board doing county business shall rectify any mistakes in the description of any lot or lands, at any time before or after the same shall have become forfeited by the seventh section of the act entitled, "an act to provide a fund for common schools," approved February 2,

1832: and the several collectors of taxes are authorized to rectify any such mistakes in the description of any lots or lands, which may have been made in listing or assessing the same, at any time before the tax shall have been paid thereon.

SEC. 5. It shall be the duty of each collector, in making returns to school commissioners, to designate and describe the particular portion of any tract of land or town lot, if less than the whole of any tract or town lot by him returned.

SEC. 6. The fourteenth section of "an act in furtherance of an act to provide a fund to encourage common schools," approved February 2, 1832, is hereby repealed; and it shall be the duty of the several school commissioners to pay over to the several township treasurers from time to time, as the money contemplated by these acts shall come into their hands, in due proportion to the number of children between the ages of five and twenty-one years, in each township.

*Com'r. pay  
over money.*

SEC. 7. It shall be the duty of each township treasurer to return to the school commissioner, on or before the first Monday of March each year, the number of children in his township between the ages of five and twenty-one years: *Provided*, That there shall be nothing in this act so construed as to prevent any school funds in the state from being vested in bank stock, as provided in an act to amend the bank charter, approved January 25th, 1836.

*Township  
treasurer re-  
turn to com'r.  
number of  
children.*

## CHAPTER XXII. Library.

SEC. 1. It shall be lawful for any school district, that supports a school at least three months in a year, to have a library for the use of the children, teachers, parents and guardians, to be purchased under the direction of the district trustees, and to be governed by their by-laws, rules and regulations, [and] recorded in the book of the district clerk not inconsistent with the laws of this state.

*District may  
have a library*

SEC. 2. Such library may be procured by voluntary contributions, or the inhabitants of any district may determine by a vote whether they will raise any given sum not exceeding twenty dollars in any one year for such purpose by a tax on the ad valorem plan, in which vote they shall determine the per centum on the hundred dollars worth of property.

*Library how  
procured.*

SEC. 3. There shall be [notices] posted up in three of the most public places in the district three weeks prece. Notice ding the time and place of election to raise a tax for a li- brary.

SEC. 4. No such tax shall be levied unless the afore-

**Tax when & how levied.** said notices have been given expressing the object of the election, to be proved by the affidavit of some person of the age of twenty-one years or upwards, to be administered by the district clerk previous to opening such election.

**Election how conducted.** SEC. 5. Nor shall such tax be levied unless a majority of all the householders and freeholders resident in the district vote in favor of it.

**Assessment how made.** SEC. 6. Such election shall be conducted in the same way that other district elections are conducted, and if the result is in favor of a tax for a library, the judges and clerks shall certify the same to the clerk of the township trustees, who shall record the same in his books and make out duplicate assessment rolls in conformity to the result of such elections.

**Tax for library how collected.** SEC. 7. The township clerk in making out his assessment rolls, shall estimate the value of the property of each person by the latest list taken of property for the purpose of levying a state and county tax.

**Moneys how appropriated for library & how paid over.** SEC. 8. One of such duplicate assessment rolls shall be given to the district treasurer, who shall thereby be authorized to collect the same, and shall have power to coerce the payment by seizing and selling personal property in the same manner that the collectors of state and county revenue are authorized to seize and sell personal property for the non-payment of taxes.

**Sec. 9.** If any such district as aforesaid at any legal authorized meeting by a majority of the householders and freeholders of the district determine that they will appropriate any part of their proportion of the school fund in the township treasury not exceeding one-fourth, for the purchase of a library or for the increase of a library already begun, the result of which vote shall be certified by the judges and clerks of the election to the clerk of the township, who shall record the same in his book, and such record shall be a sufficient voucher to authorize the township treasurer to pay over to the district treasurer the sum so voted to be appropriated for a library.

**Sec. 10.** The district treasurer shall be the librarian.

### CHAPTER XXIII. Township money to build school houses.

**May draw fund to build a school house.**

**Sec. 1.** Any school district that has no school house, may, without having kept a school, draw from the township treasurer their proportion of the funds on hand according to the number of children in such district at the last enumeration, between the ages of five and twenty-one years, compared with the whole number of children between those ages in the township, for the purpose of building a school house.

**District when entitled to such funds.** SEC. 2. To entitle the district to such a draft, the trustees shall enter an order in the book of their clerk that they intend to apply the proportion of their funds (or a given part thereof) in the township treasury, to the building of a school house, a duplicate of which shall be signed by such district trustees, and deposited with the township treasurer, and by him recorded in his book, which shall be a sufficient authority to the township treasurer to pay over the money as above provided.

**Money may be recovered back if not applied to building school house.** SEC. 3. The money so paid may be recovered back with interest and costs of suit, by action of debt, in behalf of the proper congressional township, to be brought in the name of "congressional township" by its proper description, in case such money be not applied to the building of a school house in the district, within six months after drawing the same, which suit shall be against the district trustees that gave the order for the money, in their individual capacity, and execution shall issue on any judgment obtained against their individual property.

### Repealing Clause.

All acts and parts of acts coming within the purview of this act be and the same is hereby repealed.

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### CHAPTER III.

AN ACT to organize Lake County.

[APPROVED, JANUARY 18, 1837.]

**Power and jurisdiction.** SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all that tract of country defined, bounded and designated the county of Lake, agreeably to an act to organize Porter county, and for other purposes, approved January 28, 1836, from and after the fifteenth day of February, 1837, shall be entitled to all the privileges, powers, and jurisdictions which belong to other separate and independent counties of the state of Indiana; and that John Sailor, of Porter county, John B. Niles, of La porte county, Israel Rush of St. Joseph county, John Newell, of Elkhart county, and William Allen, of Laporte county, be, and they are hereby, appointed commissioners to locate and establish a seat of justice in said county, who shall meet for that purpose as hereinbefore provided. It shall be the duty of the board of county commissioners at

their next session after the sale of the public lands in said county to require the sheriff of the county to notify the said commissioners to locate the seat of justice of the time and place where they shall meet; which said time and place shall be fixed in the notice by the board doing county business. And the said commissioners to locate the seat of justice, or any three of them, shall meet agreeably to such notice, and proceed to locate a seat of justice for said county; and the commissioners, or a majority of them who may have met, may adjourn from time to time until they shall have located a seat of justice.

SEC. 2. The circuit and all other courts shall meet at the house of Solon Robinson, in said county. And the circuit courts shall hold their sessions on the Mondays succeeding the circuit courts in the county of Porter, and shall sit one week if the business therein shall require, and the said circuit and other courts may adjourn to meet at any other place than that named in this act, near the centre of the county if they shall deem it necessary so to do.

SEC. 3. The board of county commissioners are hereby authorized, when elected and qualified, to hold three special or called sessions during the first year, from the fifteenth of February, in the year 1837, for the transaction of any business appertaining to their powers and duties as a board of county commissioners.

This act to take effect and be in force from and after the fifteenth day of February, 1837.

Com'rs to lo-  
county seat.

Circuit court,  
when and  
where to hold  
its sessions.

Board of com-  
missioners  
may hold spe-  
cial sessions.

Rights and ju-  
risdiction.

Com'rs to lo-  
cate county  
seat.

## CHAPTER IV.

AN ACT to organize the County of Steuben.

[APPROVED, JANUARY 18, 1837.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That from and after the first day of May next, the county of Steuben shall enjoy all the rights and jurisdiction which belong to separate and independent counties.

SEC. 2. That John W. Vileot, of the county of Elkhart, Henry Hosteller, sen., of the county of Noble, Isaac Eaton, of the county of St. Joseph, Benjamin Jones of the county of Lagrange, and John M'Intosh of the county of Allen, be, and they are hereby, appointed commissioners for the purpose of locating the permanent seat of justice of the said county of Steuben, agreeably to the provisions of an act to establish the seats of Justice in the new counties, ap-

proved Jan. 14th, 1834. The commissioners above named, or a majority of them shall convene at the house of Cornelius Gilmore, at or near the centre of said county on the third Monday of January next, or so soon thereafter as a majority of them shall agree upon.

SEC. 3. It shall be the duty of the sheriff of Lagrange county, to notify the commissioners above named, either in person or by writing, of their appointment, and place appointed to convene. And the board doing county business shall allow said sheriff a reasonable compensation for his services, out of any money in the treasury of said county of Steuben.

SEC. 4. Circuit or other courts of said county, shall be held at the house of Cornelius Gilmore, or at any other place in said county, to which said courts may adjourn until suitable accommodations can be furnished at the seat of justice thereof, after which the courts shall be helden at the county seat.

SEC. 5. The agent who shall be appointed to superintend the sale of lots at the county seat of said county of Steuben, shall reserve ten per cent. of all donations to said county, and shall pay the same over to such persons as shall be authorized to receive the same, for the use of a county library of said county.

SEC. 6. The board doing county business of said county when elected and duly qualified, may hold special sessions, not exceeding three, the first year after the organization of said county, and shall appoint a lister, and make other necessary appointments, and do and perform all other business which might have been necessary to be performed at any regular session, and take all necessary steps to collect the state and county revenue.

This act to take effect and be in force from and after its passage.

Sheriff of La-  
grange to no-  
tify com'rs.

Courts, when  
to be held.

Library fund.

Special ses-  
sion of county  
board.

## CHAPTER V.

AN ACT to organize the County of De Kalb, and to locate the seat of Justice thereof.

[APPROVED, JANUARY 14, 1837.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That from and after the first day of May next, Powers and the county of De Kalb shall enjoy all the rights and jurisdiction.

diction, which to separate and independent counties do or may properly belong.

**Com's to locate county seat.**  
SEC. 2. That Edward Littlefield, of Lagrange county, Cornelius Gilmore, of Steuben county, Samuel Dibble, of Elkhart county, James Latta, of Noble county, and Robert Work, of Allen county, be, and they are hereby appointed commissioners for the purpose of fixing permanent, the seat of justice of the county of De Kalb, agreeably to the provisions of "an act to establish the seats of Justice in the new counties," approved January 14, 1834; and the commissioners above named, or a majority of them, shall convene at the house of William Parke, in said county, on the first Monday of May next, or so soon thereafter as a majority of them shall agree upon.

**Sheriff of Lagrange to notify com's.**  
SEC. 3. It shall be the duty of the sheriff of Lagrange county to notify the commissioners above named, either in person or by writing, of their appointment and place appointed for them to convene; and the board doing county business shall allow said sheriff a reasonable compensation for his services out of any money in the treasury of said county of De Kalb.

**Courts, when held.**  
SEC. 4. The circuit and other courts of said county shall be held at the house of Wm. Parks, or at any other place in said county, to which said courts may adjourn, until suitable accommodation may be furnished at the seat of justice thereof, after which the courts shall be holden at the county seat.

**10 per cent. reserved for library.**  
SEC. 5. The agent who shall be appointed to superintend the sale of lots at the county seat of said county of De Kalb, shall reserve ten per cent. out of all donations to said county, and shall pay the same over to such persons as shall be authorized to receive the same, for the use of a county library for said county.

**Com's may hold special session.**  
SEC. 6. The board doing county business of said county, when elected and qualified, may hold special sessions, not exceeding three, the first year after the organization of said county, and shall appoint a lister, and make all other necessary appointments, and do and perform all other business, which might have been necessary to be performed at any regular session, and take all necessary steps to collect the state and county revenue.

**Attached to 8th circuit.**  
SEC. 7. The county [of] De Kalb shall be attached to the eighth judicial circuit of the state, for judicial purposes. And the circuit courts shall be holden in the county of De Kalb, on the Mondays succeeding the courts in the county of Steuben, and may sit three days if the business require it.

This act to be in force from and after its passage.

## CHAPTER. VI.

AN ACT to organize the County of Wells.

(APPROVED FEBRUARY 2, 1837.)

**Powers and jurisdiction.**  
SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That from and after the first day of May next, the county of Wells shall enjoy all the rights and jurisdiction which belong to separate and independent counties.

**Com's to locate seat of justice.**  
SEC. 2. That John D. Defrees of the county of Elkhart, and Peter Johnson of the county of Saint Joseph, and Francis De Lasselle, jr. of the county of Allen, and David McNight of the county of Adams, and William Widup of the county of Wayne, be, and are hereby appointed commissioners for the purpose of locating a permanent seat of justice for the said county of Wells, agreeably to the provisions of "an act to establish seats of justice in new counties," approved January 14, 1834. The commissioners above named or a majority of them shall convene at the house of Robert C. Bennett in said county of Wells on the first Monday in May next or as soon thereafter as a majority of said commissioners shall agree.

**Sh'ff of Allen shall notify com's.**  
SEC. 3. That the sheriff of the county of Allen shall notify the said commissioners, either in person or by writing, of their appointment, as well as the place designated for them to convene, and that it shall be the duty of said sheriff to give said notice to said commissioners at least four weeks before the period appointed for their meeting. And the board doing county business for said county of Wells, shall allow the said sheriff a reasonable compensation for said service out of any money in the treasury of said county of Wells.

**Court where holden.**  
SEC. 4. That the circuit and other courts of the said county of Wells shall be held at the house of Robert C. Bennett, in said county, or at any other place in said county, where the said courts may adjourn to, until suitable accommodations can be furnished at the seat of justice thereof; after which the courts shall be holden at the county seat of the said county of Wells. And the said county of Wells shall, at all times set apart ten per cent. out of all the Fund for moneys arising from donations to said county for the use of a county library.

**Board may hold special session.**  
SEC. 5. That the board doing county business in said county of Wells, may, as soon as elected and qualified, hold special sessions, not exceeding three during the first year after the organization of said county, and shall make all

necessary appointments, and do and perform all other business, which may or might have been necessary to be done or performed at any other regular session; and to take all necessary steps to collect the state and county revenue, any law or usage to the contrary notwithstanding.

**SEC. 6.** That it shall be the duty of the said board to appoint some suitable person of said county to receive the said sum of money from the agent of said fund. And it shall be the duty of said person appointed, to enter into a bond with security, to the acceptance of the said board, that he will promptly pay over the said money to the order of the said board. And when the said person so appointed, shall have delivered his bond as aforesaid, it shall be the duty of the county clerk, to deliver to said person a certificate of that fact; and on the presentment of said certificate to the agent of said fund, it shall be the duty of said agent of said fund, to pay over said money hereby appropriated on said certificate.

**SEC. 7.** This law to be in force from and after its publication in the Indiana Journal and Indiana Democrat.

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## CHAPTER VII.

**AN ACT** to change the time of holding the Courts in the third Judicial Circuit.

[APPROVED, JANUARY 6, 1837.]

**COURTS WHEN HELD.** **SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That the courts in the third judicial circuit shall be helden at the times and places following, viz: In the county of Franklin, on the third Mondays in February and August; in the county of Decatur, on the first Mondays of March and September; in the county of Ripley, on the second Mondays of March and September; in the county of Jennings, on the third Mondays of March and September; in the county of Jefferson, on the fourth Mondays of March and September; in the county of Switzerland, on the second Mondays of April and October; and in the county of Dearborn, on the fourth Mondays of April and October. And the courts in the counties of Franklin, Dearborn, Switzerland, and Jefferson, shall sit twelve days if the business shall require it; and the courts in the counties of Decatur, Ripley, and Jennings, shall sit six days if the business shall require it.

**SEC. 2.** All suits, pleas, and plaints pending in any of said courts and set for hearing on any day of the term of Process when any of said courts as now provided for by law, shall stand returnable for hearing on a corresponding day of the term of said court as the same is provided for by this act; and all processes now issued in any of said courts shall be deemed and taken to be returnable to a corresponding day of the term of any of said courts as the same are provided for in this act.

This act to take effect and be in force from and after its passage.

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## CHAPTER VIII.

**AN ACT** providing for the division of the eighth and formation of the ninth Judicial Circuit and for other purposes.

[APPROVED DECEMBER 9, 1836.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana: That the counties of Cass, Miami, Wabash, Huntington, Allen, Adams, Wells, Jay, DeKalb, Steuben, Noble, Lagrange, and Whitley, shall form and constitute the eighth judicial circuit.

**SEC. 2.** That the counties of Elkhart, St. Joseph, Porter, Lake, Newton, Stark, Pulaski, Marshall, Fulton, and Kosciusko, shall form and constitute the ninth judicial circuit.

**SEC. 3.** That the circuit courts within the eighth judicial circuit shall be annually held on the days and times following, viz: In the county of Cass, on the third Monday of February and August; in the county of Miami, on the first Mondays of March and September; in the county of Wabash, on the second Mondays of March and September; in the county of Huntington, on the third Mondays of March and September; in the county of Allen, on the fourth Mondays of March and September; in the county of Adams, on the Thursdays of the week succeeding the courts in the county of Allen; in the county of Jay, on the third Mondays of April and October; in the county of Wells, on the Thursdays of the weeks succeeding the courts of Jay; in the county of Noble, on the fourth Mondays of April and October; in the county of Lagrange, on the Mondays of the weeks succeeding the courts in the county of Noble. The circuit courts to be helden as above in the eighth judicial circuit in the counties of Cass and Allen shall each sit twelve days if the business require it;

and in the counties of Adams, Jay, and Wells shall each sit three days if the business thereof require it; and in each of the other counties in said eighth judicial circuit, said courts shall sit six days if the business require it.

Time of holding courts in 9th circuit.

SEC. 4. That the circuit courts within the ninth judicial circuit shall be annually held on the days and times following, to-wit: In the county of Fulton, on the first Mondays of March and September; in the county of Marshall, on the second Mondays of March and September; in the county of Kosciusko, on the third Mondays of March and September; in the county of Elkhart, on the fourth Mondays of March and September; in the county of St. Joseph, on the first Mondays of April and October; in the county of Laporte, on the second Mondays of April and October; and in the county of Porter, on the fourth Mondays of April and October. The circuit courts to be holden as above in the ninth judicial circuit, in the county of Laporte shall sit twelve days if the business require it; and in each of the other counties in said ninth judicial circuit said courts shall sit six days if the business require it.

Return day.

SEC. 5. All writs, subpœnas, or other processes which may have issued from any circuit court within said eighth or ninth judicial circuits since the last sitting thereof, or which may hereafter issue previous to this act being received in the respective counties in said circuits, shall be deemed and taken and are hereby, made returnable to the first day of the first term of said several circuit courts respectively to be holden by this act; and all suits, pleas, plaints, prosecutions, recognizances, actions, motions, or other proceedings either civil or criminal, which are now pending or may hereafter be pending, prior to the time this act shall be received in the several counties composing said eighth and ninth judicial circuits, shall be taken up and acted upon at the first term of such courts to be holden under this act, and be disposed of according to law in the same manner as if no alteration had been made in the time of holding such courts.

All acts and parts of acts coming within the purview of this act be and the same are hereby repealed.

This act to take effect and be in force from and after its passage.

Effect as to existing suits.

## CHAPTER IX.

AN ACT to change the time of holding the courts in the fifth Judicial Circuit.

[APPROVED JANUARY 6, 1837.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the circuit courts for the several counties within the fifth judicial circuit, shall, from and after the passage of this act be holden on the following days, to-wit: In the county of Madison, on the second Mondays of February and August; in the county of Hancock, on the third Mondays of February and August; in the county of Shelby, on the fourth Mondays of February and August; in the county of Bartholomew, on the first Mondays of March and September; in the county of Johnson, on the second Mondays of March and September; in the county of Marion, on the third Mondays of March, July, and second Monday of November; in the county of Morgan, on the first Mondays of April and October; in the county of Hendricks, on the second Mondays of April and October; in the county of Boone, on the third Mondays of April and October; in the county of Hamilton, on the fourth Mondays of April and October.

SEC. 2. The circuit courts of said counties shall each hold their sessions for a period of six days if the business thereof require it, except the county of Marion, the court shall hold its session for the period of twelve days if the business thereof require it.

Terms how many days.

SEC. 3. Whenever it shall happen that the day fixed by law for the holding of sessions of the courts doing county business shall fall within the period prescribed by this act for the holding of sessions of the circuit court, then shall the sessions of the courts doing county business be accelerated to the Monday but one previous to the sittings of the circuit court, and when it shall so happen that the time fixed by law for the sessions of the probate court shall fall within the period prescribed by this act for the session of the circuit court, then the session of the probate court shall be postponed to the Monday subsequent to the time hereby fixed for the termination of such circuit court.

Com'r. court accelerated when circuit courts are to sit at same time.

SEC. 4. All processes made returnable unto any of the circuit courts of the respective counties aforesaid to the times heretofore fixed for the holding of the sessions thereof shall be and the same are hereby, declared and made returnable to the first days of the terms of said courts as fixed by this act, and all parties, persons, and officers are hereby required to take notice of the changes in the terms of

Process how returnable.

the courts doing county business and probate courts, which may be produced, and all the transactions of business and the discharge of all duties official or personal, shall be postponed or accelerated to the time or times to which by the this law the terms of such courts may be postponed or accelerated.

SEC. 5. All laws and parts of laws coming within the purview of this act be and the same are hereby repealed.

This act to be in force from and after the passage thereof, and shall be published in the Indiana Journal and Indiana Democrat.

## CHAPTER X.

**AN ACT** authorizing the Commissioner of the Michigan road to correspond with the Commissioner of the General Land Office, in order to have the title perfected to the state of Indiana to the Michigan road grant, and for other purposes.

[APPROVED, JANUARY 20, 1837.]

Preamble

Com'r to cor-  
respond with  
Gen. land of-  
fice.

Com'r to se-  
lect land.

Whereas, it appears that a large portion of the lands granted to the state of Indiana by the chiefs and warriors of the Pottawatamie tribe of Indians, by the treaty of the sixteenth of October, A. D. 1826, for the purpose of constructing a road from Lake Michigan through Indianapolis to the Ohio river, and confirmed to the state of Indiana by acts of Congress, approved March 2d, 1827, March 2d, 1831, and June 28, 1834, of which the title of the state has not been received or fully secured; and as the selections of said lands are not completed, for remedy thereof.

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That William Polke, commissioner of the Michigan road is hereby authorized to correspond with the commissioner of the General Land Office of the United States, on the subject of the lands granted to the state of Indiana, for the construction of the Michigan road, and to receive from said commissioner of the General Land Office, the proper certificate of title, under the proper official seal, to the state of Indiana, to all lands that have or may hereafter be selected for the Michigan road grant.

SEC. 2. Said commissioner is hereby authorized to select and report to the General Land office, a sufficient number of acres of land to complete the entire road grant.

SEC. 3. Whenever the commissioner shall receive from the General Land Office, the proper certificate of ti-

tle, he shall record the same in his tract book of the Michigan road Lands, and deliver over the same to the Secretary of State, who shall record the same in his office, and preserve the original on the files of his office.

Com'r to re-  
cord title.

SEC. 4. It shall be the duty of said commissioner, after the selections are completed, and the certificates of title, above named are received and recorded in his office, to offer Com'r shall sell land. at public sale at his office at Chippewa, in Fulton county, at such time as he may designate by advertisement, in at least three newspapers printed in this state, and in one at Detroit, in Michigan territory, and one at Chicago, in Illinois, for at least two months previous to such sale of all such land as have not heretofore been offered at public sale.

SEC. 5. Said commissioner in conducting said sale Com'r, how governed. shall be governed by the provisions of an act, approved February 2d, 1832, entitled "an act to provide for selling the Michigan road lands, to open that part of the Michigan road between Logansport and Lake Michigan, and for other purposes;" Provided, That no tract shall be sold for a less price than five dollars per acre.

SEC. 6. Said commissioner shall continue to keep an office open at his residence in Fulton county, for the entry of such Michigan road lands as remain unsold; and should any tract remain unsold, of lands selected under the provisions of this act, it may be entered at five dollars per acre.

Shall keep his office open.

SEC. 7. Said commissioner shall within thirty days after the close of such public sale, pay unto the canal fund commissioners all moneys that he may receive in payment for Michigan road lands, which is to remain and constitute a fund for the further improvement of the said Michigan road, under the direction of the board of internal improvement; and also in like manner he shall pay overall moneys that are now, or may hereafter come into his hands belonging to said road fund for the same purpose, except such sums as are herein otherwise appropriated.

Shall pay mo-  
ney over to  
fund com'r.

SEC. 8. For the purpose of carrying the provisions of this act into full effect, William Polke, commissioner of said Com'r contin-  
Michigan road, is hereby continued in office from and after the twentieth day of February next, (at which time his present term will expire), until the first day of January, A. D. 1838, at which time he shall pay unto the fund commissioners all moneys that may be in his hands; and at the same time he shall deliver to the auditor all the books and papers of his office; and the auditor is hereby authorized to receive said books and papers, and them safely keep in his office.

SEC. 9. Said commissioner, before he proceeds to carry the provisions of this act into effect, shall execute a bond His bond. to be filed in the office of the Secretary of State, with three

or more securities, to be approved of [by] the Governor, in the penal sum of twenty-five thousand dollars, for the faithful performance of his duties.

**SEC. 10.** The commissioner aforesaid shall receive for his services, out of the Michigan road fund, such sum as the next legislature may deem just, and reasonable compensation for his services.

**SEC. 11.** The sum of five thousand dollars, out of the Michigan road fund, is hereby appropriated to aid the citizens of Logansport in constructing a bridge across Eel river, at the north end of Bridge street, in Logansport, which shall be a free bridge, to be known as the Bridge Street and Michigan Road Bridge.

**SEC. 12.** The commissioner of the Michigan road is hereby authorized to retain said sum of five thousand [dollars], cause the same to be expended in constructing said bridge during the ensuing summer.

**SEC. 13.** The sum of five thousand dollars out of said Michigan road fund, be, and the same is hereby appropriated to aid in the construction of a free bridge across White river, where said road crosses said river: *Provided*, That the same shall be constructed within two years from the passage of this act.

**SEC. 14.** That said commissioner is hereby required to pay over the several sums herein appropriated for the construction of bridges over White river and Eel river to such person or persons as may by law be authorized to receive the same as soon as a sufficiency over and above the amount hereby appropriated is subscribed for the completion of said bridge.

**SEC. 15.** All laws and parts of laws coming within the purview of this act, be, and the same are hereby repealed.

This act to take effect and be in force from and after its passage.

Repeal.

Com'r to pay over money.

## CHAPTER XI.

AN ACT amendatory of an act entitled An act to provide for a general system of Internal Improvement, approved Jan. 27, 1836.

[APPROVED, FEBRUARY 6, 1837.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That the board of canal fund commissioners shall hereafter be designated and known by the name of the Fund Commissioners of Indiana.

**SEC. 2.** The said fund commissioners in all future loans to be negotiated by them under the act to which this is an amendment, shall be, and they are hereby authorized to issue transferable certificates of stock in the name of the state of Indiana, at a rate of Interest not exceeding six per centum per annum, and shall have power to make such arrangements relative to making loans, the payment of the interest accruing thereon, the transmission and deposite of money, as they may deem conducive to the interest and welfare of the state.

Loans, how made.

**SEC. 3.** The said fund commissioners shall be allowed hereafter as a compensation for negotiating all loans of the state, superintending said fund and its disbursement, and discharging other duties required of them by law, each of them shall be allowed the sum of two dollars for each day so employed, together with an equitable allowance for travelling, and other necessary contingent expenses.

Compensa-tion to com'r.

**SEC. 4.** The said fund commissioners are hereby directed to ascertain the amount of money taken from the Wabash and Erie canal fund to make surveys of rail roads and other public works authorized by the General Assembly, and to refund the same out of the fund for internal improvement.

Amt of mo-ney taken from Wabash canal fund.

**SEC. 5.** That so much of the second section of the act entitled "an act relative to the commissioners of the canal fund," approved February 8, 1836, as requires the board of internal improvement to settle and account with the fund commissioners for all moneys by them received, on or before the first Monday in December annually, is hereby repealed, and the said board of internal improvement are hereby required to close all their accounts on or before the thirtieth day of November, in each year, and shall settle and account with the fund commissioners and make full report of the same to the legislature on or before the third Monday in December following.

Repeal.

**SEC. 6.** That so much of the Wabash and Erie canal as lies west of the mouth of Tippecanoe, be, and the same is hereby called and designated as the Wabash Canal, and the said fund commissioners are hereby authorized to charge to the account of the Wabash canal all such sums of money as may be required for the construction of so much of the Wabash and Erie canal as lies west of the mouth of Tippecanoe.

Wabash canal

**SEC. 7.** That the fund commissioners be, and they are hereby authorized to issue bonds, bearing interest at a rate not exceeding six per centum per annum, for the purpose of procuring the necessary funds to establish the twelfth branch of the State Bank of Indiana, as is provided for in the act establishing said Bank: *Provided*, That

Rate of inter-est on bonds.

the said fund commissioners shall not make a loan for the establishment of the twelfth Branch Bank in case the Bank should accept and receive the surplus revenue set apart for bank purposes.

This act to take effect and be in force from and after its passage.

## CHAPTER XII.

**AN ACT to repeal the 20th section of the act entitled "an act to regulate the mode of doing county business in the several counties in this state," approved Jan. 19th, 1831.**

[APPROVED, FEBRUARY 3, 1837.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That so much of the 20th section of this act to regulate the mode of doing county business in the several counties of this state; approved January 19th, 1831, as requires the election of supervisors of highways, to be made by the people, on the first Monday in April, in each year, so far as the same relates to the counties of Sullivan and Johnson, be, and the same is hereby repealed.

**SEC. 2.** The commissioners of the county of Sullivan and Johnson, are hereby required at their March session, in each year, to appoint supervisors of highways for each of the highway districts in said counties, and to fill all vacancies that shall happen in any township offices in the manner pointed out by the 22d section of the act to which this is an amendment.

This act to take effect and be in force from and after its passage.

## CHAPTER XIII.

**AN ACT to amend the several acts for the promotion of schools in Clark's Grant.**

[APPROVED JANUARY 6, 1837.]

**SEC. 1.** Be it enacted by the General Assembly of the

*State of Indiana,* That it shall be the duty of the school commissioner of Clark county to keep separate and distinct accounts of all money which may come into his hands for the use of schools in Clark's Grant, as also for any congressional township or fractional township in said county, and shall keep an account of services rendered, and expenses incurred on account of said grant, and each congressional township or fractional township separate and distinct from each other.

**SEC. 2.** Whenever any money arising from interest on the grant fund shall come to the hand of said commissioner for distribution for the support of schools, it shall be the duty of such commissioner to set apart one-seventh part thereof for the use of the schools in each of the several districts heretofore laid off by the circuit court of Clark county, where the same is not applied in any one or more of said townships it shall be the duty of said commissioner to loan the same on behalf of the proper district or township, or it may be paid over to the treasurer of the proper school township to be by him loaned under the direction of the township trustees.

**SEC. 3.** The school commissioner shall submit his account for services rendered and expenses paid in attending to the duties of his office, to the board doing county business of Clark county, at least once in each year, and if said board on examining the same are satisfied with the justice thereof they shall order their clerk to note the same on his order book; a copy of which order, certified by said clerk shall be a sufficient voucher for said school commissioner to enter the same on his books as a charge against the school fund of said grant, or the proper township as the case may require.

**SEC. 4.** The expenses and charges which have been or may be allowed to the school commissioner for services paid heretofore rendered or money expended in behalf of said grant, shall be chargeable to the school fund thereof, and if paid to said commissioner out of the county treasury as authorized by the 30th section of an act, approved February 6th, 1835, entitled "an act to amend an act to establish a board of trustees for the promotion of schools and education in Clark's Grant," approved January 28th, 1824; it shall be the duty of the said commissioner or his successor to repay the proper amount to the county treasurer so soon as sufficient funds of said grant shall come to his hands.

**SEC. 5.** So much of any act heretofore passed as authorizes the expenses of the school commissioner of Clark's Grant to be paid out of the county treasuries of the coun-

Acc'ts. how  
kept.

Shall set apart  
fund.

Acc't. to be  
examined by  
county board.

Expenses how  
paid.

Repeal.

ties interested therein, or in any manner contravenes the provisions of this act, be and they are hereby repealed.

Notice legali-  
zed.

SEC. 6. *Be it further enacted,* That the notice given by the school commissioners of Clark's Grant in the Indiana Journal on the 10th December, 1836 shall be as legal and valid in law as though it had been published sixty days as required by the ninth section of the act to amend "an act to establish a board of trustees for the promotion of schools and education in Clark's Grant," approved February 6th, 1836.

This act to take effect and be in force from and after its passage.

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## CHAPTER XIV.

**AN ACT** to amend the ninth section of an act entitled "an act relative to crimes and punishments," approved February 10th, 1831.

[APPROVED JANUARY 26, 1837.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That any person who shall, with an intent to defraud any person or persons, body corporate or politic, give, barter, sell or put away, any false, forged, or counterfeit gold or silver coin, which now is or may hereafter become current, or be put in circulation in this state; or any bank note, bill or bills, or any draft on any chartered bank of this state, or any of the United States or the territories thereof, knowing the same to be false, forged, or counterfeited, shall upon conviction thereof, be imprisoned at hard labor in the state's prison, for a period not less than two nor more than fourteen years, and be fined in any sum not exceeding one thousand dollars.

Persons sell-  
ing forged bk.  
notes, &c.  
how punished

## CHAPTER XV.

**AN ACT** to fix the pay of the Fund Commissioners.

[APPROVED, FEBRUARY 6, 1837.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the fund commissioners shall be and they are hereby authorized to charge and receive the

sum of two dollars per day for each and every day they or *per diem al-*  
*lowance.* any one of them may be employed in the business of the state, to be paid in equal proportions out of the several funds in the service of which the said commissioners may be employed for the time being, and also their necessary expenses and incidental charges to be paid in the manner aforesaid.

**SEC. 2.** The said fund commissioners are hereby authorized, whenever they may deem his services necessary, to employ a clerk of their board, and to make him a just compensation for his services. And if any one of the members of said board should at any time be engaged in performing the duties of clerk when he is not employed in negotiating loans or superintending the duties of commissioner, the other two members of the board of fund commissioners shall make him a just allowance for his services as clerk of the board, to be paid as an article of expense in manner aforesaid: *Provided,* That no commissioner acting as such clerk, shall be entitled to more than two dollars per day in full of all compensation.

**SEC. 3.** All laws and parts of laws relating to the pay *Repeal.* of fund commissioners except as is provided in this act, be and the same is hereby suspended and repealed.

This act to take effect and be in force from and after its passage.

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## CHAPTER XVI.

**AN ACT** for the relief of J. B. Richardsville and Francis Godfroy.

[APPROVED, JANUARY 20, 1837.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That in case a treaty shall be made and ratified, between the Miami nation of Indians and the United States, whereby said nation of Indians, shall cede to the United States that portion of the thirty mile reservation, lying south of Wabash river in this state within the following bounds, to-wit: Beginning on the south side of said river opposite the mouth of Eel river, and running thence south five miles, thence an easterly direction, parallel with the Wabash river thirty miles, thence north five miles to said river, thence down the same to the place of beginning, then it shall be the duty of the Governor of this state to relinquish to John B. Richardsville, a Miami chief,

*Relinquish-  
ment to J. B.  
Richardsville*

all the right, title, and claim that the State of Indiana may have in and to so much of a slip of land six chains in width which was appropriated by said Miami nation of Indians to the State of Indiana, at a treaty held on the 23d day of October, 1826, for the use of a canal, as may run through ten sections of land now claimed for said Richardsville as a reservation from the said Miami nation, and which lies near the forks of the Wabash river; and the said Governor of the state is hereby fully authorized and empowered to make such relinquishment for and on behalf of the said State of Indiana: *Provided, however,* That in making such relinquishment, the Governor shall reserve for the use of the State of Indiana, a sufficiency of said slip of land for the use of the canal constructed on the same, and a tow-path or road, and all things necessary connected therewith, as also ten chains in length of said slip at Wabash Dam No. 1, and ten chains in length at each of the locks on said reserve of ten sections on which to use the water power that may be derived from said structures.

*Relinquish-  
to F. Godfroy.*

SEC. 2. That on the terms and conditions above stipulated, the Governor of the State of Indiana is hereby authorized, and it shall be his duty, to transfer and release to Francis Godfroy, a Miami war chief, all the right, title, interest and claim, that the State of Indiana may have to so much of said slip of land as lies in the limits of said Godfroy's section, adjoining the town of Peru, except fifteen chains in length at Wabash Dam No. 3, and ten chains in length at each of the locks on said reserve, as also so much of said slip as is occupied by the canal and road adjoining.

This act to take effect and be in force from and after its passage.

## CHAPTER XVII.

AN ACT supplemental to an act providing for the division of the eighth and formation of the ninth Judicial Circuit, and for other purposes, approved December 9th, 1836.

[APPROVED, JANUARY 26, 1837.]

Laporte co.  
attached to  
8th circuit.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the act to which this is supplemental be amended by adding to the second section thereof, the county of Laporte.

This act to take effect and be in force from and after its passage.

## CHAPTER XVIII.

AN ACT to extend the Erie and Michigan Canal.

(APPROVED FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the board of internal improvement be and they are hereby authorized and directed, to cause to be continued a survey of the Northern or Erie and Michigan canal, from the mouth of Salt creek or some other suitable point, thence westward by way of the Grand Calumet river to the state line, with the view of a connection with the Illinois canal; and in the survey the said Calumet river shall be adopted as a part of said canal if practicable.

SEC. 2. Before the board of internal improvement shall proceed to make the said survey, the boards doing county business in the counties of St. Joseph, Lake, Porter, and LaPorte, shall place under the directors of the board of internal improvement, funds sufficient to defray the entire expense of said survey; the said funds shall be paid either out of the county treasuries of said counties or out of the three per cent. fund which has been or may hereafter be appropriated to said counties.

SEC. 3. A report of the survey hereby authorized shall be made to the General Assembly.

This act to be in force from and after its passage.

## CHAPTER XIX.

AN ACT repealing a certain act therein named and for other purposes.

(APPROVED FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That an act supplemental to an act extere [to extend] the provisions of an act therein named Repeal, to Marion county, approved February 7, 1835, be, and the same is hereby repealed, and after the taking effect of this act, the county business in the said county, shall be transacted by a board of three commissioners, [to be] elected on the first Monday in August next, and from the districts formerly laid off in said county.

**Additional allowance to clerk.** SEC. 2. The board doing county business in said county of Marion are hereby authorized to allow the clerk and sheriff of said county such additional compensation for their extra services as in their opinion will be reasonable and right, not exceeding in all, twenty dollars in addition to what they now are allowed.

This act shall be in force from and after the first Monday in August next.

## CHAPTER XX.

**AN ACT to amend an act organizing Circuit Courts, and defining their powers and duties.**

[APPROVED, JANUARY 26, 1837.]

**In counties where no seal has been adopted clerk may use his private seal.** Be it enacted by the General Assembly of the State of Indiana, That hereafter in all new counties where seals for the circuit courts have not been devised by the courts, it shall be lawful for the several clerks of such counties to seal all writs and other process, or matters where the seal of a court shall be required by law, with his own private seal; and all such process or other matters which may heretofore have been sealed with the private seal of such clerks shall have the same force and validity in law and equity, as if the same had been sealed with a seal adopted by the court.

This act to be in force from and after its passage.

## CHAPTER XXI.

**AN ACT to provide for the survey of the East Fork Canal.**

[APPROVED JANUARY 21, 1837.]

**Board of int. improvement shall survey east fork canal.** SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the state board of internal improvement be authorized and directed, and it is hereby made their duty, early in the ensuing summer to employ a competent engineer to survey and locate a route for a canal from Richmond in Wayne county, along the valley of the east fork of White water, to intersect the White water canal at or near Brookville in Franklin county, the

plat of which survey when completed shall be filed in the office of the Secretary of State by the engineer: *Provided*, That the said survey shall be made by the resident corps of engineers on the White water canal during the present season if there be sufficient time to do the same without interference with the progress of said canal or causing any additional expense to the state.

SEC. 2. It shall be the duty of such engineer to make estimates of the expense of said canal, together with its probable advantages, and lay the same before the General Assembly at their next session, and such other matters as he may deem advisable.

This act to take effect and be in force from and after its publication.

**Engineers to make estimates, &c.**

## CHAPTER XXII.

**AN ACT to increase the compensation of the Governor of the State and other officers.**

[APPROVED JANUARY 21, 1837.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the following officers of government be and they are hereby allowed annually the following salaries, to-wit: The Governor fifteen hundred dollars; the Judges of the Supreme court fifteen hundred dollars each; the Presidents of the circuit courts one thousand dollars each; and the members of the General Assembly three dollars per day each during their attendance on the same, and three dollars for every twenty-five miles they shall severally travel, on the most usual road in going to and returning from the General Assembly.

**Compensation of Gov.**

SEC. 2. That this act shall be in force as follows, to-wit: That part of it which relates to the salary of the Governor from and after the expiration of the term of the present incumbent; that part of it which relates to the compensation of judges of the supreme court, and presidents of the circuit courts from and after its passage; and that part of it which relates to the pay of the members of the General Assembly from and after the first Monday of August next.

**Judges of supreme court.**

**Circuit court.**

**Members of General Assembly.**

**When to take effect.**

## CHAPTER XXIII.

AN ACT to prevent disasters on Steam Boats.

[APPROVED JANUARY 21, 1837.]

Gov. shall  
app't. eng'r.

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That the Governor of this State by and with the advice and consent of the Senate, shall appoint one engineer, who shall hold his office for two years unless removed as hereinafter provided, and whose duty it shall be on application, carefully and fully to examine the machinery of steam boats arriving at New Albany in this state, and test the strength of the boilers by hydraulic pressure, equal to three times the pressure the boilers may be supposed capable of carrying steam, and when found in good and safe condition, shall furnish a certificate setting forth the facts, specifying the weight of steam that may with safety be carried, for which certificate he shall be entitled for every boat of twenty to fifty tons, three dollars; from fifty to one hundred tons, six dollars; from one hundred to three hundred tons, nine dollars; and for three hundred tons and upwards, twelve dollars.

**Boats subject to examination.** SEC. 2. That the captain, owners or agents of steam boats plying within the waters of the Wabash and Ohio rivers, shall apply for such examination and certificate as is required in the first section of this act at least once in every three months as far as practicable, and when it is not so, then the fact shall be shown by the owner or agent. And that certificates from other states on this subject will be valid to all intents and purposes as though said certificate were obtained from the State of Indiana.

**Owners failing.** SEC. 3. That any captain, agent or owner of a steam boat who shall fail to obtain the certificate of the examination hereinbefore provided for, shall be barred from the recovery of any claim for freight or insurance that may accrue when without said certificate, and shall any loss or damage to property in said case occur, in consequence of the breaking or bursting of any part of the machinery, the owner or agent shall be responsible to the shipper for the full amount of said loss or damage.

SEC. 4. That the captain of any boat that may not have been examined, and obtained the certificate heretofore mentioned, shall in the event of any loss or damage to property occasioned by the breaking or bursting of any part of the machinery, and subject to a fine not more than one thousand dollars, and to which may be added imprisonment not exceeding three months, and that in the event

of loss of life being the result of such accidents, the said officer shall be adjudged guilty of manslaughter.

**Accidents on account of neglect, &c.** SEC. 5. That any accident (except such as are impossible to be foreseen or avoided) that may happen from racing, carrying higher steam than may appear from the certificate to be consistent with safety, running into or a foul of another boat, or that may occur whilst the captain, pilot or engineer is engaged in gambling or attending to any game of chance or hazard, or whenever any accident happens from the boat being overloaded, the owner of the boat shall be subject to the penalties provided for in the third section of this act, and the officer, or officers of said boat violating the provisions of this act shall be subject to the penalties provided for in the fourth section thereof.

**Eng'r. may be dismissed.** SEC. 6. That for any false certificate, or one given without the examination contemplated by this act, the engineer who may be appointed to make the examination of engineers [engines] shall be dismissed from office, or fined in any sum not more than one thousand dollars, and that the Governor may on satisfactory representation of the incapacity, negligence or inattention of the engineer, dismiss him and appoint a successor, subject to the confirmation of the Senate.

**When gunpowder is shipped.** SEC. 7. That when gunpowder is shipped on board a steam boat, which shall at all times be stowed away at as great a distance as possible from the furnace, and written notification thereof shall be placed in three conspicuous parts of the boat; and in the event of such notification not being so exhibited, then for any loss of property or life for which the powder may be deemed the cause, the owner shall be liable for the penalty provided for in the first section of this act, and the captain to the penalties in the fourth section thereof.

**Notice to clerks, &c.** SEC. 8. That any person or persons who shall ship or put on board any steam boat or cause to be shipped or put on board thereof in this state, any gunpowder without giving notice thereof at the time of making the shipment, to the master or clerk of said boat, he shall be liable to a penalty of two hundred dollars to be recovered before any court of competent jurisdiction of this state; and in case of any loss of property in consequence of gunpowder being on board said boat the shipper that shall have failed to give due notice as herein required, shall be liable for all losses of property or damage done thereto, or for any injury done to any person or their family; and in case of the loss of the life of any individual on board, in consequence of gunpowder being on board, the person or persons who shall have shipped the same without giving due notice thereof, shall

on conviction thereof be adjudged guilty of manslaughter and punished accordingly.

**SEC. 9.** That it shall be the duty of the master or pilot of a steam boat, when descending any river or stream in the limits of this state, when within one mile of an ascending steam boat, to shut off the steam and ring the bell, and permit the boat to float upon the current of the river or stream until the ascending boat shall have passed, and the master and owner of the ascending boat shall then assume the responsibility of steering clear of the descending boat, and be liable in damages to the extent of the injury which may be sustained.

Ascending &  
descending  
boats.

Act to be  
posted up in  
boats.

When to take  
effect

**SEC. 10.** That the captain of all steam boats plying within the waters of the Wabash and Ohio rivers, or the officers commanding the same, shall be bound to post up true copies of this act in some conspicuous part of their boats, under a penalty of one hundred dollars.

**SEC. 11.** That the provisions of this act shall not take effect until the states of Kentucky and Illinois shall pass similar acts, and that the Governor of this state shall by publication, cause this act to take effect, and that by said proclamation, the same shall be in full force, and that copies of this act shall be sent to the Governors of those respective states, so soon as the same passes, with a request that he lay the same before the Legislature now in session.

## CHAPTER XXIV.

AN ACT amendatory of an act entitled an act to regulate the mode of doing county business in the several counties in this State; approved January 19th, 1831.

[APPROVED, JANUARY 26, 1837.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That the boards doing county business in the several counties of this state, when in their opinion it may be required by public necessity, may authorize the election of an additional justice of the peace in any township in their respective counties, in such manner as by law is provided for the election of justices of the peace in other cases.

This act to take effect and be in force from and after its publication.

Done at the city of Indianapolis, on the 19th day of January, in the year of our Lord one thousand eight hundred and thirty-one, and of the independence of the United States of America, the one hundred and sixtieth year.

## CHAPTER XXV.

AN ACT to amend an act entitled "an act to provide for the commissioning of Sheriffs and Coroners, and to regulate their duties," approved Jan. 7th, 1824.

[APPROVED, JANUARY 27, 1837.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That in addition to the duties now required of coroners, by the act to which this is an amendment, Coroners' in-quest. when holding an inquest over any dead body, which may be found in their respective counties, it shall be and is hereby declared to be their duty to require the jury empanelled, to examine and report, signed and sealed by said jurors and said coroner, with the verdict of said jury, a minute and particular description of the person deceased, together with the name of the said deceased, if the same can be ascertained, and the amount of money, property, or other valuables found with the dead body of the said deceased, which amount of money or other property, shall be placed in the hands of the treasurer of the county in which said body may be found, and by him paid over to the person or persons authorized to receive the same, if any there be, who may call therefor: *Provided*, That it shall, and is hereby made the duty of the treasurer, if the money aforesaid should not be called for, to loan out the same at an interest of not less than eight per cent. per annum, to be applied to common schools, equally divided among the townships of said county: *Provided, also*, That it shall be the duty of said coroner to publish in some public newspaper printed nearest thereto, the description and name of the deceased, if the same can be ascertained, and the amount of money, property, or other valuables, found in the possession of the said deceased.

Minute de-  
scription of  
the person.

Coroner to  
give notice in  
newspaper.

**SEC. 2.** If any coroner shall refuse or fail to pay into the hands of the treasurer of any county, the money or other property which may come into his hands as aforesaid, it shall be, and is hereby made the duty of said treasurer, to sue for and collect the same before any court having competent jurisdiction within the county.

Cor. refuse to  
pay over mon-  
ey found, &c

**SEC. 3.** In the absence of any coroner, the justice of the peace, acting as such, shall in all respects be governed by the conditions [of] this act.

## CHAPTER XXVI.

**AN ACT** to regulate the jurisdiction of justices of the peace in the counties of Tippecanoe, Orange, and Warren.

[APPROVED, FEBRUARY 3, 1837.]

Jurisdiction  
of justices of  
the peace.

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That the jurisdiction of justices of the peace in and for the counties of Orange and Warren in said state, be, and the same is hereby extended throughout all the townships in said counties, and each defendant and all defendants become and by this act are made liable to answer any summons or other process in any township of said counties, issued by any justice of the peace of the township in which any contract or agreement may hereafter be made by said defendant or defendants; provovided, however, that the said defendant or defendants do contract or agree to perform the same, either in writing or by parole, in the said township in which the justice of the peace issuing the same may reside, and for which he has been elected, and that each and all defendants to any suit in said counties are hereby rendered liable to answer any summons or other process, in any township of said counties, before any justice of the peace of the township in which said defendant or defendants may hereafter contract to perform any agreement or discharge any debt or legal liability: *Provided*, further, that the constable or other person serving said summons or other process shall not be allowed any mileage beyond his own township or that in which the same may be issued.

**SEC. 2.** All acts and parts of acts contradicting or coming within the purview of this act are hereby repealed.

**SEC. 3.** That no person shall be bound to answer any summons or capias ad respondentum issued by any justice of the peace in the county of Tippecanoe, in any civil suit in any township other than the one in which such defendant actually resides, except as follows, to-wit:

1st. When there shall be no justice in such township who can legally issue such summons.

2d. When two or more persons shall be jointly and severally bound in any contract, or liable for any injury, and shall reside in different townships of the same county, it shall be lawful for the plaintiff to commence his or her action before a justice of the peace of that township in which any one of the debtors or any other persons liable, may reside, and the justice of the peace before whom such action may be brought, shall issue process against such debtor, directed to any constable of his township, which process such

Jurisdiction  
in Tippeca-  
noe county.

When there  
are two de-  
fendants.

constable shall be authorized to serve and return; and the defendants shall be compelled to answer thereto, and all such other proceedings shall be had thereon as if all defendants resided in the township where such action was commenced.

**3d.** In all cases of trespass on personal property In trespass. it shall be lawful to bring the action in the township where the trespass was committed.

**4th.** It shall be lawful for any justice in any of the aforesaid counties, to receive as bail, recognizance, or as stay of execution, any person or persons who shall be citizens of the county where such obligation may be required, under the same rules and regulations heretofore, and now in force in such cases; and such bail, recognizance, or security shall be made to answer, and shall be proceeded against in the same manner as if they resided in the township where such obligation or obligations was or were contracted.

**5th.** Where the defendant has not resided in the county three months, and is a transient person, he, she, or persons. Transient they shall be proceeded against as directed and required by the several laws to which this is an amendment.

**6th.** And if any plaintiff, his, her, or their agent or attorney shall make affidavit that he, she or they are in danger of losing his, her or their debt, or demand, unless such defendant be arrested, in which case also the jurisdiction of justices shall be co-extensive with the county.

**SEC. 4.** If the person or persons charged or to be charged in or by any note, bond, account or contract shall stipulate in writing that the same shall be sueable or collectable in any particular township in either of the before mentioned counties, suit may be brought thereon before, and process issued by any justice of said township against such person or persons, which shall be executed on him, her or them, if found in the county in which such justice resides, and such justice shall in every other respect be governed in the same manner, and have the same power and jurisdiction in the cause as if the defendant resided, and was found in said township. When the  
note states the  
place where it  
is payable.

**SEC. 5.** All acts and parts of acts contravening the provisions of this act, be, and they are hereby repealed, so far as regards the county mentioned in the third section of this act.

This act to be in force from and after its publication.

## CHAPTER XXVII.

AN ACT to amend the 34th section of an act relative to crime and punishment, approved Feb. 10, 1831.

[APPROVED, FEBRUARY 4, 1837.]

Malicious  
trespass.

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That every person who shall cut down or remove any timber trees of any kind, or who shall remove any stone or other valuable article from any of the public lands belonging to the United States, for the purpose of selling or making merchandize of said timber or stone, or for the purpose of transporting the same to the state of Illinois or any other state, shall be deemed guilty of malicious trespass, and upon conviction thereof, shall be fined in five times the value of such timber so cut or removed, or stone and other valuable article so removed for the purposes aforesaid: *Provided*, That nothing in this act shall be so construed as to make actual settlers upon public lands guilty of trespass, who may cut timber and use stone for their own private farming purposes upon the land upon which they may reside.

## CHAPTER XXVIII.

AN ACT providing for the election of United States Senator, and other officers by a *viva voce* vote of the Legislature.

[APPROVED, FEBRUARY 3, 1837.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That hereafter, all elections for United States Senator, and for all other officers to be elected by the General Assembly of this state, shall be *viva voce*, except the elections of Auditor of public accounts, Treasurer of State, Secretary of State, and President Judges of the circuit court, which elections shall as heretofore be by joint ballot of both houses.

**SEC. 2.** All laws or parts of laws contravening the above enactment, shall be, and the same are hereby repealed.

This act to be in force from and after its passage.

## CHAPTER XXIX.

AN ACT to change the mode of doing county business in the county of Johnson.

[APPROVED, FEBRUARY 4, 1837.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That the mode of doing county business in the county of Johnson, by justices of the peace, is hereby changed to that of commissioners.

**SEC. 2.** All laws and parts of laws coming within the purview of this act, be, and the same are hereby repealed. Repeal.

This act to take effect and be in force from and after the first Monday in August next.

## CHAPTER XXX.

AN ACT to amend the act subjecting real and personal estate to execution, approved Feb. 4, 1831.

[APPROVED, FEB. 6, 1837.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That the first juridical day of the first term in the year, of the Marion circuit court, and the sixtieth day thereafter, unless the same should fall on Sunday, then the Monday following; also, the first juridical day of the second term in the year of said court, and the sixtieth day thereafter, unless the same shall fall on Sunday, then the Monday following; also the first juridical day of the last term in the year of said court, and the sixtieth day thereafter, unless the same should fall on Sunday, then the Monday following, shall be return days for all writs of execution, which may issue from said court.

**SEC. 2.** That so much of the act to which this is an amendatory, as comes within the purview of the provisions of this act, be, and the same is hereby repealed.

**SEC. 3.** This act to take effect and be in force from and after its passage; and it is hereby made the duty of Secretary of State to furnish the clerk of said court with a copy of this act properly certified without unnecessary delay.

## CHAPTER XXXI.

**AN ACT** repealing certain acts regulating the mode of doing county business in the county of Greene.

[APPROVED, JANUARY 21, 1837.]

*Repeal as to  
the county of  
Greene.*

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That all acts and parts of acts passed and approved since the passage of an act entitled "an act to regulate the mode of doing county business in the several counties in this state," approved January 19, 1831, be, and the same is hereby repealed, as to the county of Greene.

*Contracts  
heretofore  
made binding*

**SEC. 2.** All pleas, plaints, contracts and liabilities of the board of justices, together with all manner of business and proceedings shall have the same validity and effect upon the board of commissioners created by this act, as the same had upon the former board.

This act shall be in force and take effect from and after the first day of August next.

## CHAPTER XXXII.

**AN ACT** to amend an act entitled "an act regulating the fees and salaries of the several officers and persons therein named, approved February 7, 1831.

[APPROVED, FEBRUARY 3, 1837.]

*Fees of clerk  
of sup. court.*

**Be it enacted by the General Assembly of the State of Indiana,** That the clerk of the supreme court of this state shall hereafter receive as a part of the fees of his office, for every copy of a record, and for making up and entering a complete record after judgment, for every one hundred words therein contained, eighteen and three-fourth cents, and for every fee bill issued by him, twenty-five cents; so much of the act to which this is an amendment as contravenes the provisions of this act, be, and the same is hereby repealed.

This act to be in force from and after its passage.

## CHAPTER XXXIII.

**AN ACT** supplemental to an act to enable the School Commissioners of the several counties of this state to correct the returns of the Collectors, approved February 1, 1836.

[APPROVED, FEBRUARY 3, 1837.]

*Com'r shall  
correct re-  
turns.*

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That the school commissioners in the several counties of this state are hereby authorized and required in addition to the duties required of them by said act to correct the returns of collectors in all cases where lands are returned by the said collectors, which were not taxable at the time of said return.

**SEC. 2.** That the duties of said school commissioners required of them in this act, and the one to which this is a supplement, shall be performed by them at any time previous to the sale of any lands so returned upon application, and the necessary proof being made to said commissioners.

This act to be in force from and after its passage.

## CHAPTER XXXIV.

**AN ACT** to change the mode of doing county business in the county of Boone.

[APPROVED, FEBRUARY 3, 1837.]

*Repeal.*

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That so much of an act entitled "an act to extend the provisions of an act therein named, to Gibson and Decatur counties," approved January 10, 1835, as relates to Boone county, is hereby repealed.

*Com'r to be  
elected.*

**SEC. 2.** The justices of the peace in the said county of Boone shall be considered as a county board, and authorized to discharge the duties of the same, until the first Monday in August, eighteen hundred and thirty-seven; at which time the qualified voters of said county shall elect three county commissioners, agreeably to "an act to regulate the mode of doing county business in the several counties in this state," approved January 19, 1831.

This act to take effect and be in force from and after its passage.

## CHAPTER XXXV.

AN ACT for the equal distribution of the Three per Cent. Fund.

[APPROVED FEBRUARY 6, 1837.]

*Sec. 1. Be it enacted by the General Assembly of the State of Indiana,* That the sum of two thousand dollars is hereby appropriated out of the three per cent. fund to each of the organized and unorganized counties in this state as may accrue, for the purposes of improvement of such state roads or parts thereof, or to the construction or repairing of bridges in said county as the said board may order and direct, unless otherwise provided by law.

*Sec. 2.* The board doing county business for each county shall at some regular session appoint a commissioner in such county in which no commissioner is appointed by the Legislature. And where an unorganized county or counties are attached to such county shall appoint a commissioner in each of such unorganized counties, who shall enter into bond and security to the satisfaction of said board payable to the county treasurer of said county in the penal sum of four thousand dollars, conditioned for the faithful performance of his duties as such commissioner of the three per cent. fund, and take an oath of office.

*Sec. 3.* Should any such commissioners refuse to qualify, or should the said office become vacant by any means whatever, such board shall appoint a suitable person to fill said vacancy, and the person thus appointed shall be governed by the provisions of this act.

*Sec. 4.* On entering into such bond, and taking the oath as aforesaid, the clerk of said board shall under their directions deliver to said commissioner a certificate thereof, and of said appointment, which shall authorize the treasurer of state to pay over from time to time to said commissioner or his order, his proportion of his fund on hand.

*Sec. 5.* Each commissioner shall be allowed by the board doing county business, one dollar for each day he shall be actually employed, and his necessary expenses.

This act to take effect and be in force from and after its passage.

How distributed.

Agent appointed.

Vacancy.

Clerks.

Allowance.

## CHAPTER XXXVI.

AN ACT supplemental to an act entitled an act to provide for a general system of internal improvement, approved January 27, 1836.

[APPROVED, FEBRUARY 3, 1837.]

*Sec. 1. Be it enacted by the General Assembly of the State of Indiana,* That the board of internal improvement are hereby vested with full power upon the rail or McAdamized turnpike road provided for in the sixth section of an act entitled "an act to provide for a general system of internal improvement," approved January 27, 1836, to make surveys, examinations, and estimates, between the points named on said road line, whenever in the opinion of said board the interest of the state may require it, and after making such surveys, examinations and estimates, said board shall have power to adopt any route that may be most conducive to the interest of said state: *Provided*, That nothing in this act shall be so construed as to authorize the board to adopt such route as will change the character of the work from a rail to a McAdamized road, if the said board shall determine on making a rail road.

*Sec. 2.* This act to be in force from and after its passage.

Discretionary powers of b'd. as to certain routes.

## CHAPTER XXXVII.

AN ACT to amend an act entitled "act to regulate the mode of doing county business in this state, approved February 7, 1835."

[APPROVED, FEBRUARY 2, 1837.]

*Be it enacted by the General Assembly of the State of Indiana,* That so much of an act regulating the mode of doing county business, approved February 7, 1835, as relates to the appointment of township officers by the board doing county business or the county commissioners, be, and the same is hereby repealed, so far as it has application to the county of Vigo; and that the people of said county elect them as heretofore.

*This act to be in force from and after its passage.*

Repeal.

## CHAPTER XXXVIII.

**AN ACT to authorize the board of internal improvement to sell certain reserved lands.**

[APPROVED, FEBRUARY 4, 1837.]

Shall sell lands.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana, That the board of internal improvement be, and they are hereby authorized and required to sell all the lands reserved by the board of commissioners of the Wabash and Erie canal, under the fifth section of an act entitled "an act providing means to construct the portion of the Wabash and Erie canal within the state of Indiana," approved January 28th, 1830, reserving such portions as may in the opinion of said board be necessary for the location of locks and the use of the water power created by the construction of the canal.*

**SEC. 2.** *The said board may appoint one of their body to make such sale, who shall report his proceedings to the board.*

Com'rs. how governed.

**SEC. 3.** *The said board in making sale of said lands shall be governed in all respects by the act aforesaid, so far as the same was applicable to the board of commissioners of the Wabash and Erie canal, except that notice of sale may be given by publication four weeks successively in the newspapers printed at Indianapolis, Fort Wayne, Richmond, Logansport and Lafayette.*

minimum price.

**SEC. 4.** *Each tract of said land shall be valued by said board, and no tract shall be sold for a less price than that at which it is valued, nor shall any of said land be sold for a less price than \$5 00 per acre.*

## CHAPTER XXXIX.

**AN ACT to amend the several acts regulating the mode of doing county business in the county of Martin.**

Election.

[APPROVED, FEBRUARY 4, 1837.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana, That the qualified voters of the several townships in the county of Martin be, and they are authorized, at the time and place of holding township elections on the first Monday in April in each year, to determine by ballot as other officers are elected, which of the justices*

*of said township shall do the county business for the ensuing year.*

**SEC. 2.** *That said justice and his successor in case of a vacancy, shall attend and form a member of the board of county commissioners to do county business in the same manner, with the same powers and duties, and subject to the same rights and liabilities of their predecessors.*

**SEC. 3.** *All laws coming within the purview of this act be, and the same are repealed.*

*This act to take effect and be in force from and after the first Monday in April next.*

## CHAPTER XL.

**AN ACT to change the times of holding circuit courts in the seventh judicial circuit.**

[APPROVED, FEBRUARY 4, 1837.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana, That the time of holding the circuit Courts when helden. courts in the counties of Monroe and Brown be extended to two weeks: Provided, however, That the court in the county of Brown shall sit three days if the business require it, and said court shall commence on the Thursday week after the time of the commencement of the court in the county of Monroe, and that the courts in the counties of Owen and Putnam shall each be entitled to two weeks if the business thereof requires it.*

**SEC. 2.** *That the times of holding courts in said circuit be so changed as to conform to the preceding arrangement, and all laws and parts of laws coming within the purview of this act, be, and the same are hereby repealed.*

Repeal.

*This act to take effect and be in force from and after its publication in the Indiana Journal and Indiana Democrat.*

## CHAPTER XLI.

**AN ACT amendatory of the several acts regulating foreign and domestic writs of attachments.**

[APPROVED FEBRUARY 4, 1837.]

Alias writs  
may issue.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana, That the several circuit courts throughout the State of Indiana, be, and they are hereby authorized to issue alias writs of foreign and domestic attachments to any county in the state, subject to like rules and regulations prescribed by the two several acts regulating foreign and domestic attachments, the one approved January 19, and the other January 20, 1831.*

Justices may  
issue.

**SEC. 2.** *That justices of the peace are hereby authorized to issue alias writs of foreign and domestic attachments, to any township in the county in which such justice may reside, subject to like rules and regulations prescribed by the several acts regulating proceedings by attachment before justices of the peace.*

## CHAPTER XLII.

**AN ACT to amend the act entitled "an act for the regulation of the state prison."**

[APPROVED, FEBRUARY 3, 1837.]

Com'r. app'td.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana, That Samuel Peck of Washington county be, and he is hereby appointed a commissioner on the part of this state, to contract with some responsible and competent person or persons for the extension and improvement of the state prison as directed by the provisions of this act.*

Buildings to  
be erected.

**SEC. 2.** *Said commissioner is hereby authorized after giving at least thirty days notice of the time and place in the Jeffersonville Courier, that he will receive sealed proposals for the erection upon the ground belonging to the state at the north end of the present prison to be connected with and as an extension of the same, another building 210 feet in length and of corresponding width and height with the present building and similar thereto in every other respect, with one row of cells in the second story, the row*

of work shops on the east side of the prison to be extended to the north line of the public ground, being 210 feet, to correspond with the row of shops already erected. The buildings to be connected by a wall across the north end, which wall together with that at the opposite or south end, and that on the east side to be at least 25 feet high, and the whole to be of good brick and materials corresponding thereto.

**SEC. 3.** *Said building to be commenced the ensuing spring, and shall be completed as soon as practicable; and said commissioner shall, when said buildings and improvements are completed according to contract, give said contractors a certificate thereof, which certificate when presented to the superintendents of the state prison, shall be by them paid upon presentation to said contractor or contractors as the case may be, which certificate shall entitle said superintendents to a credit on their bonds to the state for the amount specified in such certificate: *Provided*, That in case any payment becomes due on the bond of said superintendents before the completion of said work, the commissioner is hereby authorized to certify what amount of work has been performed, and the amount so certified shall operate as a credit on said bond for the time being.*

Contractor  
how paid.

**SEC. 4.** *Said commissioner in making the contract in this act authorized, may make such changes and alterations in the plan of the improvement as in his opinion may be calculated to advance the interest of the state, and shall not be authorized to allow in any event a higher price for the work on said prison than is usual for work of like description in the town of Jeffersonville; provided, nothing in this act shall authorize said commissioner to expend exceeding six thousand dollars for the erection of said building.*

Sum restrict-  
ed.

**SEC. 5.** *At the time of the discharge of any prisoner who shall have served out the full time for which he was committed, it shall be the duty of the superintendent of the state prison, to give such convict three dollars, and the amount so paid shall be stated from time to time in the semi-annual report to the Secretary of State, and shall entitle the superintendent to a credit on settlement with the state for the amount thereof.*

Superintend-  
ent shall pay  
convicts, &c.

**SEC. 6.** *The commissioner appointed by this act shall be allowed two dollars per day for the time necessarily employed in discharging the duties of his appointment, which shall be allowed and paid at the treasury upon his certificate verified by affidavit before any person authorized to administer oaths.*

Comm'r. al-  
lowed.

**SEC. 7.** *Should said commissioner refuse to act, resign or die, it shall be the duty of the Governor on infor-*

Vacancy.

mation thereof to appoint some suitable person to perform the duties herein required.

Repeal.

**SEC. 8.** *Be it further enacted,* That so much of the supplemental act for the regulation of the state's prison, approved February 2, 1833, as contravenes the provisions of this act, be, and the same is hereby repealed.

This act to be in force from and after its passage.

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## CHAPTER XLIII.

**AN ACT** to amend an act entitled "an act to provide for a general system of internal improvement," approved January 27, 1836.

[APPROVED, FEBRUARY 4, 1837.]

*Be it enacted by the General Assembly of the State of Indiana,* That so much of the act entitled "an act to provide for a general system of internal improvement" as authorizes the appointment of members of the state board of internal improvement to be appointed by the Governor, by and with the advice and consent of the Senate, be, and the same is hereby repealed; and hereafter the members of said board shall be appointed by a separate vote of the Senate and House of Representatives, each house voting by ayes and noes and entering the same on their journals, and it shall require a majority of the votes given in each house respectively to constitute an election.

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## CHAPTER XLIV.

**AN ACT** to change the time of holding probate courts in the county of Vigo.

[APPROVED FEBRUARY 6, 1837.]

Court when held.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That hereafter the probate courts for the county of Vigo shall be holden on the third Mondays of February, May, August and November, except in cases when the circuit court shall sit on any of said days, in which case the said probate courts shall sit on the Monday following said circuit court.

**SEC. 2.** *And be it further enacted,* That all process *Process.* and proceedings in said court shall have the same operation and be of the same force on the days hereby provided for the holding of said courts as they would have had without the passage of this act.

**SEC. 3.** That so much of the acts relative to the time of holding said court in the county of Vigo, as requires the *Repeal.* same to be holden on the second Mondays of February, May, August and November, be, and the same is hereby repealed.

*This act to take effect and be in force from and after its passage.*

## CHAPTER XLV.

**AN ACT** relative to evidence.

[APPROVED FEBRUARY 4, 1837.]

*Be it enacted by the General Assembly of the State of Indiana,* That from and after the passage of this act all records and exemplifications of office books and official bonds, which are or may be kept in any public office in this state not appertaining to a court, shall be proved or admitted as legal evidence in any court or office in this state by the attestation of the keeper of the said records or books, or official bonds, and the seal of office of such keeper thereto annexed, if there be a seal, and if there be no official seal, then such keeper shall attach his ink scrawl to the attestation, to which shall be attached a certificate of the clerk under seal of the circuit court of the proper county where such keeper may reside, that the said attestation is in due form and by the proper officer: Provided always, that it shall not be necessary to obtain the certificate of the clerk of any circuit court to authenticate any such attestation aforesaid, when any such keeper shall have an official seal; and the said records, and exemplifications, and copies of records authenticated aforesaid, shall have such faith and credit given to them in any court and office within this state as they may have by law or usage in the courts or offices from whence the same are or may be taken.

Official papers  
how made evi-  
dence.

## CHAPTER XLVI.

AN ACT to provide for the sale of tools belonging to the Michigan road fund.

[APPROVED FEBRUARY 3, 1837.]

Tools to be sold.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana, That William Polke commissioner of the Michigan road is hereby authorized and required to cause all the tools now belonging to the Michigan road fund, to be sold at public sale, so soon as the same can be conveniently done after the passage of this act; the sale to be conducted by such persons and under such regulations as the said commissioner shall designate and direct, and the funds arising from such sale shall be paid into the hands of said commissioner and by him paid over in the same manner as other funds coming into his hands are required to be paid.*

This act to take effect and be in force from and after its passage.

## CHAPTER XLVII.

AN ACT to amend an act entitled "an act for the incorporation of Public Libraries," approved December 17, 1816.

[APPROVED, FEBRUARY 4, 1837.]

Repeal.

\$50 must be subscribed.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana, That so much of the first section of an act for the incorporation of public libraries, approved December 17, 1816, as requires the sum of one hundred dollars to be subscribed by the inhabitants of any city, town, village or neighborhood before they can assemble themselves for the purpose of holding an election, be, and the same is hereby repealed; and that hereafter the inhabitants aforesaid or any part of them who have subscribed the sum of fifty dollars for the purpose named in said act, may assemble themselves for the purpose of holding an election in accordance with the provisions of the act to which this is amendatory.*

This act to be in force from and after its passage.

## CHAPTER XLVIII.

AN ACT to regulate the jurisdiction and duties of Justices of the Peace in the county of Hancock.

[APPROVED, JANUARY 27, 1837.]

*Be it enacted by the General Assembly of the State of Indiana, That hereafter no person who is a householder, shall be bound to answer to any summons or other process issued by any justices of the peace in the county of Hancock in any civil suit in any township other than the one in which said defendant actually resides, unless there shall be no justice in such township who can legally issue such summons or other process, then in that case it shall be lawful to commence such suit in the next nearest township:*

*Provided, however, that either party shall have the right to a change of venue as provided by law. All laws and parts of laws coming within the purview of this act, so far as relates to the county of Hancock, be, and the same are hereby repealed.*

Change of venue.  
This act to be in force from and after its passage.

## CHAPTER XLIX.

AN ACT to provide for the improvement of the Michigan Road north of Indianapolis, and for other purposes.

[APPROVED, FEBRUARY 2, 1837.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana, That the board of internal improvement be, and they are hereby authorized and directed to cause a survey and estimate to be made during the ensuing summer on the Michigan road north of Indianapolis, through Logansport, South Bend, and Laporte to Michigan City, with a view of ascertaining what kind of improvement is most practicable on said road; and the moneys necessary to defray the expenses of said survey and estimates are hereby appropriated out of the Michigan road funds.*

**SEC. 2.** *The board of internal improvement shall make or cause to be made to the next General Assembly a report of the result of said survey and estimates.*

**SEC. 3.** *The boards doing county business in the counties through which the Michigan road passes are hereby authorized and required to divide said road into districts,*

imp. to make estimate, &c.

Divide the rd into districts.

and appoint a supervisor to each district, whose duty it shall be to call out the inhabitants liable to work upon roads in their respective districts, to work the road at such times and in such manner as they may deem best calculated to improve and keep in repair the road, each man to work upon said road at least two days in each year.

**SEC. 4.** All Michigan road funds remaining unappropriated, shall be applied during the ensuing year, under the supervision of the board of internal improvement, or such commissioner or commissioners, as may be appointed by them for that purpose, on the whole Michigan road from Lake Michigan to Napoleon, in such manner as they may deem best calculated to render and keep the same passable.

This act to be in force from and after its passage.

Fund how applied.

## CHAPTER L.

AN ACT relative to the Tippecanoe Battle Ground.

[APPROVED, FEBRUARY 4, 1837.]

Agent to be employed.

His duty.

Monument.

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That the Governor be, and he is hereby authorized and requested to employ some suitable individual for the purpose of enclosing or causing to be enclosed that portion or parcel of land commonly called the Tippecanoe Battle Ground, heretofore donated and conveyed to the state by the Honorable John Tipton, or so much of the said land as may be deemed necessary and the interest of the state may require to be enclosed in a proper and substantial manner.

**SEC. 2.** The individual appointed by the preceding section is hereby fully authorized and empowered to take charge of and have superintendance of the said parcel of land, and preserve the same, together with the timber growing thereon, and any and all improvements hereafter constructed by the state from any damage, injury or waste whatsoever.

**SEC. 3.** The Governor is hereby further authorized and requested to offer and pay a proper premium for a design for a suitable monument hereafter to be erected upon the Tippecanoe Battle Ground, for the erection and completion of which at such time as the legislature may determine and the finances of the state will permit, the faith of the state is hereby plighted.

**SEC. 4.** That for the purpose of defraying the expenses incident to the provisions of this act, the Governor be, how paid, and he is hereby authorized to pay the same out of the contingent fund under his charge and control.

## CHAPTER LI.

AN ACT to authorize the Treasurer of the State to receive from the Secretary of the Treasury of the United States the amount of surplus revenue of the United States, proposed to be deposited with this State, by the 13th section of an act of Congress entitled "an act to regulate the depositories of the public money."

[APPROVED, DECEMBER 21, 1836.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That the Treasurer of the state of Indiana, be, and he is hereby authorized to receive from the Treasurer of the United States, and receipt therefor, by certificates of deposite, the amount of surplus revenue of the United States to which the state of Indiana is entitled by her proportionate representation in the Senate and House of Representatives of the United States, as is provided in the act of Congress entitled "an act to regulate the depositories of the public money," approved June 23, 1836.

**SEC. 2.** Be it further enacted, That the State of Indiana hereby irrevocably pledges her faith to the United States, that she will safely keep and repay the said moneys and every part thereof from time to time whenever the same shall be required by the Secretary of the Treasury for the purposes mentioned in said act of Congress, and upon the conditions therein named.

This act to take effect and be in force from and after its passage.

Treasurer of state to receive surplus revenue.

State pledged for safe keeping of money.

## CHAPTER LII.

AN ACT permanently fixing the line between the counties of Jefferson and Clark.

[APPROVED, FEBRUARY 2, 1837.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That from and after the passage of this

**Line fixed.** act, the following shall be the permanent line between the counties of Jefferson and Clark, to-wit: Beginning at the south-east corner of section thirteen, township two north of range eight east, and running thence east with the section line dividing sections eighteen and nineteen to the north-east corner of section twenty-two in town two north, of range nine east, thence south one mile to the south-east corner of said section twenty-two, thence east one mile to south-east corner of section twenty-three, thence south on the line dividing sections twenty-five and twenty-six one half mile to the open line running through section twenty-five, in town two range nine, thence east with said open line through sections twenty-five, thirty and twenty-nine to the Ohio river.

**Jurisdiction.** SEC. 2. That all pleas, plaints, and prosecutions now pending in the territory hereby transferred from one county to the other, shall progress and be determined, and all now due shall be collected as though this act had not passed.

This act to take effect and be in force from and after its passage.

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### CHAPTER LIII.

**AN ACT** to repeal a part of an act entitled "an act to amend the several acts regulating the jurisdiction and duties of justices of the peace in the several counties therein named," app. Feb. 7, 1835.

[APPROVED FEBRUARY 2, 1837.]

**Repeal.**

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the act entitled "an act to amend the several acts regulating the jurisdiction and duties of justices of the peace in the several counties therein named," approved February 7, 1835, as relates to the county of Vermillion, be, and the same is hereby repealed.

**By what law jurisdiction regulated.**

SEC. 2. That hereafter the law regulating the jurisdiction and duties of justices of the peace, approved February 10, 1831, be, and the same shall regulate the jurisdiction of justices of the peace wholly and fully in the county of Vermillion, any subsequent act of the legislature to the contrary notwithstanding.

This act to take effect and be in force from and after its passage.

### CHAPTER LIV.

**AN ACT** to amend an act entitled "an act to organize Probate Courts, and defining the powers and duties of Executors, Administrators, and Guardians," approved February 10, 1831.

[APPROVED, FEBRUARY 6, 1837.]

**Cases may be certified to supreme court.** SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That when any person or persons shall appeal a writ of error, take up any order, judgment, or decree of the probate court, in any counties of this state as is provided in the 52d section of the act to which this is an amendment, to the circuit court of said county, and it shall appear that the President Judge of said circuit court is interested in the event of said order, judgment or decree as attorney or otherwise, the clerk of said circuit court shall certify a transcript of the same to the Supreme court, which court shall have the same power to try the same as if the appeal or writ of error had been taken from the Probate to said Supreme court, upon the same conditions and requisitions as is required in the appeals or writs of error taken to said Supreme court.

This act to take effect and be in force from and after its publication.

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### CHAPTER LV.

**AN ACT** to provide for the settlement of accounts of Commissioners of the three per cent. fund in the several counties.

[APPROVED, FEBRUARY 4, 1837.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the commissioners of the three per cent. [fund] in the several counties of this state, be, and they are hereby required to render to the several boards doing county business in their respective counties, at any term previous to the first day of July next, a regular and detailed statement of the receipts and expenditures as well as the present condition of the three per cent. fund of their respective counties that may be chargeable to any such commissioners. And it shall be the duty of the several boards doing county business in their respective counties, at any regular term after the first day of July next to make such order or orders with regard to the collection or expenditure of the three per cent. fund belonging to their respective counties as they may deem expedient.

Com'r shall render acc't.

*Atchison & Barth.*

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May be sued.

SEC. 2. Should any such commissioner fail or neglect to make settlement as aforesaid, with the proper board doing county business, or to pay over, or to account as such board may direct, for every and all sum or sums of money which may have been at any time received by any such commissioner, then and in that case, it shall be the duty of such board to cause suit to be brought forthwith against any such delinquent commissioner and his securities: And the certificate of the Treasurer of State shall be *prima facie* evidence of the amount of money received by such commissioner, in any suit they may be hereafter instituted by virtue of this act.

Report.

SEC. 3. It is hereby made the duty of each and every commissioner of the three per cent. fund, to make annual report hereafter, at the first term in each year, under oath, of the condition of such fund, to the board doing county business of the proper county: And any commissioner failing to do so, shall upon indictment, be fined not less than five dollars for every thirty days so failing or neglecting to report as aforesaid. And it shall be the duty of circuit courts to give this act specially in charge to grand juries.

## CHAPTER LVI.

AN ACT to amend an act for the formation of the county of Brown, approved February 4th, 1836.

[APPROVED, DECEMBER 20, 1836.]

Words declared misprint.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the word *west* where it occurs in the 8th line of the first section of said act shall be, and the same is hereby declared a *misprint*, and that the word *east* shall be substituted in lieu thereof, and that the boundary lines of said new county of Brown shall be permanently established in accordance with said change.

Act of public affairs legalized.

SEC. 2. That the election of all officers, and that the proceedings of the board doing county business in said county from its first organization up to the time of the publication of this act be and the same are hereby legalized and rendered as valid to all intents and purposes, as if no misprint or mistake had occurred in the law for the formation of said county.

Fines to be refunded.

SEC. 3. That all fines assessed on any person or persons, citizens of said county of Brown, for the non-performance of militia duty, and the non-performance of road

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labor, or either of them, in Monroe county, be, and the same are hereby declared to be illegal, and in any case where a fine as aforesaid has been assessed and paid, the same shall be refunded to him or them or an equivalent amount in county orders.

This act to be in force from and after its publication in the Indiana Democrat.

## CHAPTER LVII.

AN ACT to amend the 2d section of an act entitled "an act to provide for an equitable mode of levying taxes in this state," approved February 8, 1836.

[APPROVED FEBRUARY 6, 1837.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That all lots of ground set apart for burying grounds in this state shall be exempt from taxation; and all acts and parts of acts coming in [the] purview of this act are hereby repealed.

Burying grounds ex-  
empt.

SEC. 2. This act shall take effect and be in force from and after its passage.

## CHAPTER LVIII.

AN ACT to amend an act entitled "an act to regulate the mode of doing county business in the several counties in this state," approved February, 1837.

[APPROVED, FEB. 4, 1837.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the qualified justices of the peace in the county of Huntington shall constitute a board of justices and be known by the name and style of the board of justices of Huntington county, and as such shall be entitled to all the powers, rights, and privileges, and subject to all and singular the duties to which by the act to which this is amendatory the existing board of commissioners in said county is entitled and subject to.

Justices shall form a board.

SEC. 2. The justices of the peace aforesaid shall, at

When to meet.

their first meeting, and annually thereafter, elect one of their number president of said board, whose duty it shall be to propound questions for their action, preside over their deliberations, keep order, pronounce decisions, and sign their proceedings: *Provided*, That in the absence of the president so elected, the board shall elect a president pro tempore, who shall exercise all the powers, and perform all the duties herein required of the president.

Business transferred.

**SEC. 3.** All suits, pleas, plaints, prosecutions, and proceedings which may be pending in any court to be tried in which the present board of commissioners of the county of Huntington is a party, previous to the taking effect of this act, shall be prosecuted to final judgment and execution in the same manner as though this act had not passed, and all contracts and liabilities in favor of or against the existing board of commissioners shall remain valid in law and equity.

Quorum.

**SEC. 4.** It shall require three members of said board to form a quorum to do business, and of which three so present there shall not be more than one from any one township, and such members as do attend shall have power by this act to issue writs of attachment and compel the attendance of absent members, and adjourn from day to day for that purpose, provided, that no person shall take his seat in said board except his election be ordered, and he may have been elected in pursuance to the laws of this state; and the board shall decide who shall be considered as members of said board.

May be indicted for neglect.

**SEC. 5.** It shall be the duty of the justices of the peace in the said county of Huntington, to be punctual in their attendance at the May and November sessions, and for every failure thereof, without a reasonable excuse, such justice shall be fined upon presentment, or indictment in any sum not exceeding ten dollars, for the use of the county seminary in said county.

Exempture.

**SEC. 6.** That the said justices of the peace in the county aforesaid, shall, after the taking effect of this act, be exempt from military duty, serving on juries, working on roads and public highways, and from the payment of poll tax, and shall receive no other compensation for any of the duties enjoined upon them by this act.

Repeal.

**Sec. 7.** The first, second, third, eighth, eleventh, and thirteenth sections of the act to which this is an amendment, are, as to the county of Huntington, repealed.

When organ-  
ized.

**SEC. 8.** It shall be the duty of the said justices of the peace in said county to meet and arrange at the next March session of said board: *Provided*, however, that if any thing should prevent them from organizing at that

time, it shall not operate to prevent them from organizing at any subsequent session.

**SEC. 9.** That it shall be the duty of the clerk of the board doing county business of the county of Huntington, so soon as he shall receive notice of the taking effect of this act to issue a summons directed to the sheriff of said county requiring him to summon the justices of the peace of said county to attend at the first meeting of the board in said county, and the sheriff of said [county] aforesaid shall serve said summons according to law. Sheriff's duty

**SEC. 10.** This act to be in force and take effect from and after its publication in the Indiana Journal.

## CHAPTER LIX.

AN ACT for the preservation of the State House, and for other purposes.

[APPROVED, FEBRUARY 6, 1837.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That the superintendent of the State House is authorized to procure carpeting for the remainder of the Committee rooms and the Library room, and to have the same laid, and the rooms suitably furnished; that he cause the carpets in the Hall to be taken up immediately after the close of each session properly preserved and re-laid before the next session; to cause the State House square to be sown in blue grass, and also have the same set out in suitable shrubbery; the fence painted; and shall also procure one suitable eight day brass clock for each Hall—  
Sup'dnt shall procure car-pets.

together with such repairs to the roof and building as he may deem necessary for the preservation of the same.  
**SEC. 2.** That he shall be authorized to cause the Library rooms in the capitol to be properly shelved and prepared for the State Library under the direction of the Secretary of State, previous to the next session of the General Assembly, and shall make such other repairs and improvements in and about the capitol as may be necessary for the accommodation and convenience of the General Assembly; and for the expenses so incurred, he shall be governed by the provisions of the 5th section of the "act to provide for the appointment of a keeper of the State House," approved February 8, 1836.

Libr'ry rooms  
fitted up.

**SEC. 3.** It shall be the duty of the Secretary of State

Library to be removed.

so soon as the library room is suitably prepared for the reception of the books, to cause the same to be removed to the said room, and have the same in a suitable condition for the use of the members of the next General Assembly, and it shall be his duty after such removal to act as librarian, keeping the library open with all suitable accommodations during the session of the legislature, and during the sitting of the supreme court of the state and the district court of the United States.

Books to be purchased.

SEC. 4. It shall be the duty of the Secretary of State, under the direction of the committee on the state library, to purchase the annual additions to said library, and to have prepared a suitable catalogue of all the books in said library of a miscellaneous nature, together from time to time of such additions as may be made to the same; and for his services as librarian he shall receive the sum of one hundred and twenty-five dollars annually.

Law library.

SEC. 5. One of the said library rooms is hereby set apart for the law library belonging to the members of the bar and judges of the supreme court, where the same may be kept under the entire direction and control of said court.

SEC. 6. The keeper of the state house shall have the same salary as is provided for in the "act to provide for the appointment of a keeper of the state house," approved February 8, 1836.

This act to take effect and be in force from and after its passage.

## CHAPTER LX.

AN ACT to amend an act entitled "an act to provide for an equitable mode of levying the taxes of this state," approved February 8, 1836.

(APPROVED FEBRUARY 4, 1837.)

Ck's. shall make out lists

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That hereafter it shall be the duty of the board doing county business in each county in this state, to cause their clerks to make out a list of polls and the amount of taxable property, except non-residents, carrying out the amount as levied by said board for road purposes in duplicate form, and cause the sheriffs of the several counties to forthwith deliver the same over to the several supervisors of their said counties.

SEC. 2. That the said clerks in making out the list as

required in the first section of this act, shall furnish a separate list containing the number of polls, together with the amount of taxable property in each supervisor's district.

SEC. 3. That the supervisors of the several counties shall have power to sue for and collect the amount levied by said boards for said purposes, in the same manner and under the same restrictions as though the debt had been due them in their individual capacity: *Provided, however.* That the person or persons owing or being liable for any road tax under this act shall have the right to discharge the same in labor at the rate of seventy-five cents per day, or if discharged by furnishing a team or teams, then they shall be allowed the highest price or prices given by law.

SEC. 4. Nothing in this act shall be so construed as to prevent the supervisors of the several counties from being competent witnesses in all suits necessary to carry into effect this act.

SEC. 5. That the supervisors shall notify all persons within their districts who may be able to pay any road tax under this act, in the same manner as is provided for in the general laws regulating supervisors in calling out hands to work on roads and highways.

SEC. 6. That it shall be the duty of the assessor or assessors, when appointed by the boards doing county business in each county in this state, in assessing the taxable property and polls, to assess each congressional township or fractional township in this or their county, in alphabetical order, separately and distinctly one from the other.

SEC. 7. That hereafter it shall be the duty of the collectors of the state and county revenue of the several counties in this state, on or before the first Monday in January in each year to pay over to the school commissioners the amount of tax which they may have collected for common school purposes.

SEC. 8. That the supervisors of each road district shall annually within twenty days after they receive their certificates of election or appointment, as the case may be, make out a list of the names of all persons subject to work on roads in their respective districts and deliver the same to the clerk who shall thereupon annex to the names of each the amount of road tax with which he is charged in the assessors book returned.

SEC. 9. That so much of the act to which this is an amendment, as comes within the purview of this act, be, and the same is hereby repealed.

This act to be in force from and after its passage.

Supervisors  
may sue for  
road tax.

Supervisors  
competent  
witnesses.

Assessors du-  
ty.

Supervisors  
duty.

Repeal.

## CHAPTER LXI.

**AN ACT** to amend an act entitled "an act to establish a State Library," approved February 10, 1831.

[APPROVED, FEBRUARY 6, 1837.]

Treasurer  
shall refund.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That there is hereby appropriated for the increase of the state library, the sum of two hundred dollars annually, which sum shall be credited and paid to the librarian to be expended under the direction of the standing committee on education.

**SEC. 2.** It shall be the duty of the standing committee on education to furnish the said librarian a list of such books as they may deem necessary to be furnished for said library, to be chiefly of standard or valuable works in history and the sciences; and it shall be the duty of the librarian to expend the said annual appropriation in purchasing said books, or as many of them as can be purchased with the said annual appropriation. So much of the seventh and second sections of an act to which this is an amendment be, and the same is hereby repealed.

This act to be in force from and after its passage.

School com's.  
duty.

## CHAPTER LXII.

**AN ACT** authorizing the school commissioners to draw from the State Treasury certain money therein named.

[APPROVED FEBRUARY 4, 1837.]

Annual ap-  
propriation.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the Treasurer of State be, and he is hereby authorized and required to pay over to the several school commissioners of this state or to their order, such sums of money as may appear from the records of the auditor of public accounts, that may have been paid into the State Treasury by the collectors of the several counties, which was set apart for school purposes, agreeable to the 25th and 27th sections of the act entitled "an act to provide for an equitable mode of levying the taxes of this state," approved February 8, 1836.

**SEC. 2.** That it shall be the duty of the several school commissioners, so soon as they shall have received from the

State Treasury the money aforesaid, to disburse the same List of books  
under the manner and restrictions as is provided for dis- to furnish-  
bursing it agreeably to the 25th and 27th sections of the ed.

above recited act.

This act to be in force from and after its passage.

## CHAPTER LXIII.

**AN ACT** to regulate the disbursements of the three per cent. fund in the unorganized counties.

[APPROVED, FEBRUARY 4, 1837.]

Fund how  
expended.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That so much of the three per cent. fund as has been or may hereafter be appropriated to any of the unorganized counties in this state shall be drawn for and expended within the proper limits, under the direction of the board doing county business of the proper county, to which such unorganized county may for the time being be attached for judicial purposes, in the same manner and to the same extent as such boards may by the existing laws draw for and expend the fund appropriated to their proper and respective counties.

**SEC. 2.** That it shall be lawful for said boards to reimburse out of the fund so appropriated to any unorganized county, any and all expenses which may have been or may hereafter be incurred by any organized county in the survey and location of state roads through or within the territory of such unorganized county.

Expenses  
how paid.

**SEC. 3.** That the same sum of money which was by Amount ap- an act of the last session of the General Assembly appro-  
priated out of the three per cent. fund to each of the org-  
anized counties in this state be, and the like sum is here-  
by appropriated to each of the unorganized counties, to  
be paid out of the first moneys of the three per cent. fund  
not yet appropriated.

This act to be in force from and after its passage.

## CHAPTER LXIV.

AN ACT to change the mode of doing county business in the county of Gibson.

[APPROVED, FEBRUARY 2, 1837.]

Com'rs. to be elected.

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That the qualified voters of the county of Gibson shall, (at the usual place of holding elections) on the first Monday of August next, elect three commissioners who shall form and constitute a board to do and transact the business of said county, under the name and style of the board of commissioners of the county of Gibson; the election to be conducted and governed in all respects agreeably to the provisions of an act entitled "an act to regulate the mode of doing county business in the several counties in this state," approved January 19, 1831.

Districts to be laid off.

**SEC. 2.** And it is hereby made the duty of the present board doing the business in the county of Gibson, at their May term 1837, to lay off said county into three commissioners' districts, numbered in numerical order, one, two and three, and one commissioner shall be elected in each of said districts by a vote of the whole county, and said districts when so laid off may be altered once every three years thereafter if justice require it, and not otherwise.

When to take effect.

**SEC. 3.** That so much of this act as relates to the election of county commissioners shall take effect and be in force from and after the first day of August, 1837, and the remainder from and after its passage.

Repeal.

That so much of an act entitled "an act to extend the provisions of an act therein named to Gibson and Decatur counties," approved February 10, 1835, as extends to Gibson county be, and the same is hereby repealed.

## CHAPTER LXV.

AN ACT to provide for a Geological Survey of the State of Indiana.

[APPROVED, FEBRUARY 6, 1837.]

Geologist to be appointed.

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That the Governor be, and he is hereby authorized and required annually hereafter to appoint and commission a person of talents, integrity, and suitable sci-

entific acquirements, as geologist for the state of Indiana, who shall receive in consideration of the faithful performance of his duties, an annual salary not exceeding fifteen hundred dollars, and necessary expenses not exceeding two hundred and fifty dollars, to be paid as the salaries of other civil officers of state are, or may be directed to be paid.

**SEC. 2.** That it shall be the duty of the geologist to be appointed as aforesaid, to make a complete and minute geological survey of the whole state commencing with those portions in the vicinity of the contemplated public works, (always having reference to the directions herein-after provided) and thence through the other portions of the state, with as much expedition and accuracy as may be consistent with minuteness and despatch, and he shall prepare and lay before the legislature, at the commencement of every session, a detailed account of all remarkable discoveries made and the progress of the work, accompanied with proper maps and diagrams, including a geological chart of the state.

**SEC. 3.** It shall further be the duty of the geologist of the state, at those seasons not suited to the active prosecution of the geological survey, to analyze and ascertain the qualities and properties of mineral substances or soils left at his office or residence for that purpose by any citizen of the state, and taken from any proportion of the territory of the state.

How employed when not on active service.

**SEC. 4.** That the said geologist, appointed by virtue of this act, shall be subject to the orders of the executive of the state, and shall hold himself ready on reasonable notice to make geological examinations in the vicinity of the canals and rail roads or other works of internal improvement which the legislature has or may hereafter direct to be made: *Provided*, That this act shall expire at the termination of the year one thousand eight hundred and thirty-eight, unless the same be re-enacted by the next legislature of this state.

To be under the direction of the Gov'r.

**SEC. 5.** This act to be in force from and after its passage.

## CHAPTER LXVI.

AN ACT to amend an act entitled "act to provide for an equitable mode of levying the taxes of this state, approved February 8, 1836.

[APPROVED, FEBRUARY 6, 1837.]

Bank stock  
subject to  
taxation.

Where as-  
sessed.

Notes, &c.  
may be taxed.

License for  
retailing spir-  
ituos liquors

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That all stock in any of the branches of the state bank of Indiana, other than that owned by the state of Indiana, shall be subject to the same ratio of taxation as other capital, not exceeding one per cent, including the twelve and a half cents set apart on each share as a permanent school fund, and the said tax shall only be assessed on such portion as shall have been paid, and on account of which the stockholder shall not be indebted to the state.

**SEC. 2.** The said stock shall be assessed to the stockholders in the county where they shall reside, except in cases of stock owned by non-residents of this state, in which case the stock shall be assessed in the county in which the branch bank is located, to such non resident stockholders, and the cashier of such branch bank shall furnish the assessor with the name of each non-resident stockholder and the amount of taxable stock so held, to be by said assessor placed under the head of "corporation stock" on his assessment roll.

**SEC. 3.** All notes and bonds on solvent persons, all bills of exchange, checks, drafts, or certificates of deposite, provided said notes, bonds, bills, checks, drafts, or certificates have been purchased with money, (except such as are purchased by any corporation, the capital of which is taxed by this act or the act to which this is an amendment) shall be considered as cash on hand or money loaned at interest, and they shall be so assessed.

**SEC. 4.** For the purpose of aiding in raising a revenue for county purposes, the board doing county business, shall levy and collect in the manner provided for assessing and collecting the revenue by an act approved February 10th, 1831, on each license for retailing spirituous liquors, not less than fifteen nor more than one hundred dollars; on each license to vend foreign merchandize or foreign and domestic groceries, five dollars for one thousand dollars of foreign merchandize or foreign and domestic groceries, and two dollars and fifty cents for each additional one thousand dollars: *Provided however,* That it shall not exceed, on any license to vend merchandize or foreign and domestic groceries, twenty dollars; on each license to vend wooden clocks, not less than fifty nor more than one hun-

On merchan-  
dize.  
Clocks, &c.

dred dollars, and the license so obtained shall not authorize more than one person to vend wooden clocks under such license; and that each agent vending wooden clocks, shall be considered a principal and shall be compelled to procure a license; on each travelling caravan, managerie, or other collection of animals, or show of wax figures or circus exhibited to the people for money, not less than thirty nor more than fifty dollars, for each day's exhibition; on each ferry, not less than two nor more than twenty dollars; and so much of the above recited act as is necessary to enable the board to enforce the collection of the amount of said license, be, and the same is hereby declared to be in force.

**SEC. 5.** On failure of the board doing county business of any county to appoint an assessor or assessors at their January term in each year, as is provided in the third section of the act to which this is an amendment, it shall be the duty of the clerk on such failure, within ten days after the day at which said board should have met, to appoint an assessor or assessors for such county, and the assessors thus appointed, shall have the same powers, perform the same duties, and be subject to the same liabilities, and qualify in the same manner as if the appointment was made by the board.

**SEC. 6.** That so much of the 4th section of the act to which this is an amendment, as requires the clerk on failure or refusal of any assessor to appear and qualify within ten days after his appointment as such, to issue a summons to the board doing county business, to meet and appoint an assessor in his place, and so much of the same section as provides for a like notification of the board doing county business in the event of any assessor dying or becoming unable by bodily infirmity or any other cause, to complete his assessment, be, and the same is here repealed, and it shall be the duty of the clerk of such county in all such cases, to fill any such vacancy within ten days after the same occurs, and such appointments shall be as valid as if made by the board, and the assessor so appointed, shall qualify in the same manner as is provided for in relation to assessors appointed by the board.

**SEC. 7.** That so much of the 5th section of the act to which this is an amendment, as requires the clerk of each county to prepare for the assessor a list of all taxable lands, except a list of such lands as shall become subject to taxation for the first time and forwarded to him by the auditor of public accounts, be, and the same is hereby repealed, and it shall be the duty of the clerk to furnish such additional list to the collector, and also upon the receipt of such

Clerk. may appt  
assessor.

Repeal.

Repeal.

list from the auditor of public accounts, to enter the same in the proper places in the tract book of his office.

**SEC. 8.** That so much of the 21st section of said act as requires the clerk of each county to make out complete and perfect duplicates of the assessment rolls or tax lists from the assessments returned by the respective assessors, be, and the same is hereby repealed, and hereafter it shall be the duty of the clerk of each county, within twenty-one days after the perfection of the assessment rolls, to make out one complete and perfect list of the assessments in each county in alphabetical form, dividing the same into civil townships and noting in the same alphabetical order between residents, and non-residents of such civil townships, and all assessors in their returns to the board, shall preserve the same alphabetical order and the same distinction as to residents and non-residents.

**SEC. 9.** That so much of the 25th section of said act as provides that twelve and a half cents of each poll tax collected for state purposes, be paid by the collector to the treasurer of each congressional township or fractional township, and all the 27th section of said act which provides for a deduction of five per cent. on the gross amount of state revenue for purposes of education, be, and the same is hereby repealed.

**SEC. 10.** For purposes of state revenue for the year 1837, and each subsequent year until otherwise directed by law, the boards doing county business in the several counties in this state, shall at their May term, fix the per centum to be levied and collected on all property real and personal made taxable by this act or the act to which this is an amendment, at fifteen cents on each one hundred dollars of valuation thereof, and the said boards shall at the same time levy and assess for purposes of state revenue, on each male inhabitant over the age of twenty-one and under the age of fifty years, fifty cents; and for the purposes of county revenue, they shall at the same time, on all property made liable to taxation by this act or the act to which this is an amendment, in like manner fix any per centum by them deemed necessary on each one hundred dollars valuation thereof, all of which amounts so levied shall be collected as is provided for in the act to which this is an amendment.

**SEC. 11.** That one-third part of the nett amount of the state revenue derived from taxable property, shall be set apart and appropriated to the discharge of the interest on the state bonds issued for the purposes of internal improvement. That the auditor shall on the first day of January, 1838, and annually thereafter, audit to the fund commissioners the amount so set apart as aforesaid.

Clerk shall  
make out du-  
plicate.

Repeal.

Am't. of tax  
to be levied.

How appro-  
priated.

**SEC. 12.** That the Treasurer of State be, and he is hereby authorized, if in his opinion the exigencies of the treasury shall require it, to negotiate in behalf of the state, <sup>Treasurer may make loan.</sup> a temporary loan not to exceed twenty thousand dollars, and in the event of his making such loan, it shall be his duty to certify the same to the auditor of public accounts, who shall charge in the proper books of his office the amount thereof, the account of receipts by said Treasurer.

**SEC. 13.** All the act to provide for an equitable mode of levying the taxes of this state, approved February 8, 1836, which is not expressly repealed by this act, shall be, and the same is hereby declared to be in as full force as if this act had not passed.

**SEC. 14.** This act to take effect and be in force from and after its passage.

## CHAPTER LXVII.

AN ACT to re-locate the seat of Justice in the county of Noble.

[APPROVED, FEBRUARY 4, 1837.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That Oliver Crane of the county of Elkhart, Levi L. Todd, of Johnson county, Green T. Simpson, of Henry county, William Allen of the county of LaPorte, John E. Hill, of the county of Allen, and Samuel T. Clark, of the county of Tippecanoe, be, and they are hereby appointed commissioners to re-locate the seat of justice in the county of Noble.

**SEC. 2.** The said commissioners, or a majority of them, shall meet at Wolf Lake, at the house of P. C. Miller, in said county, on the first Monday in July next, or at such other time and place as they may agree upon, and have full power to adjourn from time to time as they may deem necessary. The said commissioners after taking an oath faithfully and impartially to discharge the duties required of them by this act, shall proceed to re-locate said seat of justice for said county, as near the centre thereof as the situation of the land and the interest of the county will admit, having due regard to the present and probably future population of the county, and such donations as may be made for the benefit of said county of Noble.

**SEC. 3.** That the said commissioners shall be, and they are hereby authorized to receive all donations in land for

Com'r's ap-  
pointed.

When and  
where to  
meet.

Shall receive  
donations.

the site of the said seat of justice, and all donations which may be made to defray the expenses for erecting the necessary public buildings for the use of the said county, and take all necessary bonds and deeds to secure the faithful performance of such contracts.

Shall certify  
to recorder.

**SEC. 4.** The said commissioners shall after they have selected the site for said seat of justice certify the same to the recorder of the county of Noble, who shall make a proper record thereof; and also deposite with said record [recorder] all deeds, bonds, or other instruments in writing, which they may have received for the use or benefit of said county.

Com'r to su-  
perintend  
public build-  
ings.

**SEC. 5.** That the board doing county business for the county of Noble shall, at their first meeting next after the seat of justice shall have been so located and fixed in manner as aforesaid, appoint three suitable persons residents and freeholders of said county, as commissioners to superintend the erection of such public buildings for the use of said county as the county commissioners may designate and direct, which said commissioners when so appointed shall severally give bond and security in the sum of two thousand dollars to the treasurer of said county conditioned for the faithful discharge of their respective duties, which bonds shall be made payable to the said county treasurer for the use of said county, and the said treasurer is hereby made the judge of the sufficiency of the security; and the said last mentioned commissioners shall have power to receive any donations which may be made for the use of said county, and the same to sue for and collect in their own names for the use and benefit of the said county, for the purposes aforesaid.

Compensat'n  
of com'rs to  
locate coun-  
ty seat.

**SEC. 6.** The said commissioners appointed in the first section of this act, shall receive the same compensation and be paid in the same manner, as is provided for in an act entitled "an act to establish seats of justice in new counties," approved January 14, 1824; and the said last mentioned commissioners shall receive such compensation as the board doing county business may allow, to be paid out of the county treasury of said county.

Courts where  
helden.

**SEC. 7.** So soon as the public buildings shall be completed in manner aforesaid at the place so selected and designated, the same shall be thereafter the permanent seat of justice of the said county of Noble, and all the courts of said county shall thereafter be helden at such new county seat, and until the erection and completion of such buildings, the circuit and all other courts shall be helden at Wolf Lake, at the house of P. C. Miller, or at any other place to which said courts may adjourn in said county of Noble.

**SEC. 8.** And it shall be the duty of the sheriff of the said county of Noble to give notice to said commissioners, either in person or by writing, of the time and place, and the board of commissioners of said county of Noble shall make such allowance to the sheriff aforesaid, as they may deem proper and just for his services herein required.

This act to take effect and be in force from and after its passage.

Sheriff to no-  
tify com'rs.

OFFICE OF SECRETARY OF STATE,  
Indianapolis, March 25, 1837. §

INDIANA TO-WIT:

I, William J. Brown, Secretary of State do hereby certify that I have compared the foregoing printed acts with the original rolls now on file in my office, and find the same correctly printed, except the words included in brackets [thus], which are inserted to supply evident omissions.

WM. J. BROWN.

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